PRST/6/2. The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

At the 21st meeting, on 28 September 2007, the President of the Council made a statement reading as follows:

> 1. The Human Rights Council notes with deep appreciation that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been in force since 26 June 1987 as a central instrument in global efforts to eradicate torture.
>
> 2. The Human Rights Council warmly welcomes the work of the Committee against Torture for its impressive contribution to combat torture worldwide.
>
> 3. The Human Rights Council urges all States parties to the Convention to comply strictly with their obligations under the Convention.
>
> 4. The Human Rights Council urges all States that have not yet done so to become parties to the Convention and to give early consideration to signing and ratifying its Optional Protocol.
>
> 5. The Human Rights Council invites all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications.
>
> 6. The Human Rights Council invites all States parties to the Convention that have not yet done so to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 as soon as possible in order to enhance the efficiency of the Committee against Torture.
>
> 7. The Human Rights Council requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and other cruel, inhuman or degrading treatment or punishment, and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture.

II. Seventh Session

A. RESOLUTIONS

7/1. Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Guided also by the rights of all peoples to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter of the United Nations,

Affirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Affirming also the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

Recognizing that the Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, constitute violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Conference and the Paris International Donors' Conference for the Palestinian State, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recognizing also that the recent Israeli attacks and incursions in the occupied Gaza Strip have led to a considerable loss of life and injuries among Palestinian civilians, including women, children and infants,

1. *Condemns* the persistent Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which resulted in the loss of more than 125 lives and hundreds of injuries among Palestinian civilians, including women, children and infants;

2. *Expresses* its shock at the Israeli bombardment of Palestinian homes and the killing of civilians therein and at the Israeli policy of inflicting collective punishment against the civilian population, which is contrary to international humanitarian law, and calls for bringing the perpetrators to justice;

3. *Calls for* the immediate cessation of all Israeli military attacks throughout the Occupied Palestinian Territory and the firing of crude rockets, which resulted in the loss of two civilian lives and some injuries in southern Israel;

4. *Also calls for* urgent international action to put an immediate end to the grave violations committed by the occupying Power, Israel, in the Occupied Palestinian Territory, including the series of incessant and repeated Israeli military attacks and incursions therein and the siege of the occupied Gaza Strip;

5. *Reiterates* its calls for immediate protection of the Palestinian people in the Occupied Palestinian Territory in compliance with international human rights law and international humanitarian law;

6. *Urges* all parties concerned to respect the rules of international human rights law and international humanitarian law and to refrain from violence against civilian populations;

7. *Requests* the United Nations High Commissioner for Human Rights to report to the Council, at its next session, on the progress made in the implementation of the present resolution.

10th meeting
6 March 2008

[Adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Switzerland, Uruguay, Zambia.

Against: Canada.

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Guatemala, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

7/2. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Council,

Taking note also of the report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the United Nations High Commissioner for Human Rights (A/HRC/7/57), *Taking note further* of the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the United Nations High Commissioner for Human Rights (A/59/65-E/2004/48 and Add.1) and on the funding and staffing of the Office of the United Nations High Commissioner for Human Rights (JIU/REP/2007/8),

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Reaffirming the importance of continuing the ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Takes note with interest* of the statement made by the High Commissioner in her report that achieving geographical balance in the staff of the Office of the United Nations High Commissioner for Human Rights will remain one of her priorities, and requests the High Commissioner and her successors to undertake all measures needed to redress the current imbalance in geographical distribution of the staff of the Office of the High Commissioner;

2. *Takes note* of the various measures proposed and already taken to address the imbalance in geographical distribution of the staff, while stressing that the imbalance in geographical distribution is still prominent;

3. *Also takes note* of the commitment of the High Commissioner to develop additional measures to improve the geographical balance of the Office of the High Commissioner, as stated in the conclusion of her report;

4. *Requests* future High Commissioners to continue enhancing the ongoing efforts in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;

5. *Underlines* the importance of continuing promoting geographical diversity in the recruitment of high-level and Professional posts, including senior managers, as a principle of the staffing policies of the Office of the High Commissioner;

6. *Affirms* the vital importance of geographical balance in the composition of the staff of the Office of the United Nations High Commissioner for Human Rights, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

7. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001 on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments;

8. *Encourages* the General Assembly to consider further measures for promoting desirable ranges of geographical balance in the staff of the Office of the High Commissioner representing national and regional specificities, various historic, cultural and religious backgrounds, as well as the diversity of political, economic and legal systems;

9. *Welcomes* the significant increase in the human and financial resources allocated to the activities of the Office of the High Commissioner;

10. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006 and underlines the priority importance that the Assembly continue providing support and guidance to the High Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

11. *Requests* the High Commissioner to submit a comprehensive and updated report to the Council in 2009 in accordance with its annual programme of work, following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in geographical composition of the staff of the Office.

39th meeting
27 March 2008

[Adopted by a recorded vote of 34 to 10, with 3 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Netherlands, Romania, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Japan, Republic of Korea, Switzerland.]

7/3. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights, *Recalling* the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000 and Assembly resolution 62/160 of 18 December 2007, and bearing in mind Council decision 4/104 of 30 March 2007,

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Takes note* of the report of the United Nations High Commissioner for human rights on the enhancement of international cooperation in the field of human rights (A/HRC/7/31);

9. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

10. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

11. *Requests* the United Nations High Commissioner for Human Rights to consult States and intergovernmental and non-governmental organizations on ways and means to enhance international cooperation and dialogue in the United Nations human rights machinery, including the Human Rights Council, as recognized by the General Assembly in the preamble of its resolution 60/251 of 15 March 2006, and to present a report on his findings to the Council at the relevant session in 2009;

12. *Decides* to continue its consideration of the question in 2009 in accordance with its annual programme of work.

39th meeting
27 March 2008

[Adopted without a vote.]

7/4. Mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights in connection with the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, as well as Human Rights Council decision 2/109 of 27 November 2006, *Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1 entitled "Institution-building of the United Nations Human Rights Council", and 5/2, entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

Taking into account the report (A/HRC/7/9) presented by the outgoing holder of the mandate of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights,

1. *Acknowledges with appreciation* the work and contributions made by Bernards Andrew Nyamwaya Mudho during his tenure as independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, and takes note with appreciation of his latest report to the Council;

2. *Decides* to redefine the mandate of the special thematic procedure and rename it "independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights", so as to allow the mandate-holder to pay particular attention to:

(*a*) The effects of foreign debt and the policies adopted to address them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(*b*) The impact of foreign debt and other related international financial obligations on the capacity of States to design and implement their policies and programmes, including national budgets that respond to vital requirements for the promotion of the realization of social rights;

(*c*) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(*d*) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to economic reform policies and human rights;

(*e*) Quantification of minimum standards to support the realization of the Millennium Development Goals;

(*f*) Enhancement of consultations with all relevant stakeholders in the fulfilment of this mandate;

3. *Also decides* that the mandate of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, will be extended for a period of three years;

4. *Requests* the independent expert to explore further, in his/her analytical annual report to the Human Rights Council, the interlinkages with trade and other issues, including HIV/AIDS, when examining the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the broad scope of his/her mandate;

5. *Also requests* the independent expert to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines with a view to improve it, as appropriate, and to present updated draft general guidelines to the Council in 2010;

6. *Further requests* the independent expert to cooperate, in accordance with his/her mandate, with the Committee on Economic, Social and Cultural Rights, as well as with the Advisory Committee, special procedures, mechanisms and relevant working groups of the Council related to economic, social and cultural rights and the right to development, in his/her work towards the improvement of the above-mentioned draft general guidelines;

7. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to carry out his/her functions, as well as to facilitate his/her participation in and contribution to the follow-up process of the International Conference on Financing for Development;

8. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his/her mandate;

9. *Requests* the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights to submit an analytical report on the implementation of the present resolution to the Council in 2009 in accordance with its annual programme of work, and to submit a progress report on this issue to the General Assembly at its sixty-third session;

10. *Decides* to continue its consideration of this matter under the same agenda item.

39th meeting
27 March 2008

[Adopted by a recorded vote of 34 to 13. The voting was as follows:

In favour:	Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.
Against:	Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, and United Kingdom of Great Britain, Northern Ireland.]

7/5. Mandate of the independent expert on human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions adopted by the Commission on Human Rights and the Human Rights Council on the issue of the human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1 entitled "Institution-building of the United Nations Human Rights Council" and 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

Recalling also the importance, in view of the promotion and protection of international solidarity, of the declarations and programmes of action of international conferences such as the World Conference on Human Rights, held in Vienna in 1993, the International Conference on Financing for Development, held in Monterrey, Mexico, in 2002, the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992, the World Summit on Sustainable Development, held in Johannesburg, South Africa, in 2002, and the World Conference on Disaster Reduction, held in Kobe, Japan, in 2005,

Reaffirming that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum effort possible to close this gap,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

1. *Decides* to extend the mandate of the independent expert on human rights and international solidarity for a period of three years:

(*a*) To promote the realization of the right of peoples and individuals to international solidarity, inter alia, through the further development of guidelines, standards, norms and principles enhancing the enjoyment of this fundamental right and the adoption of measures at the regional and international levels, to promote and consolidate international assistance to developing countries in their endeavours in development and the promotion of conditions that make the full realization of all human rights possible;

(*b*) To seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his/her mandate, taking into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields;

(*c*) To examine ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity;

(*d*) To make recommendations on possible steps with a view to attaining progressively the full realization of the right of peoples and individuals to international solidarity, and suggestions to address the increasing challenges of international cooperation;

(*e*) To work in close cooperation with all States and intergovernmental and non-governmental organizations, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, to mainstream fully the effective realization of the right of peoples and individuals to international solidarity in the activities of the United Nations;

(*f*) To continue participating in and contributing to relevant international conferences and events with the aim of promoting the realization of the right of peoples and individuals to international solidarity;

2. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities, and to cooperate with the independent expert in his/her mandate, to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the requests of the independent expert to visit their countries, and to enable him/her to fulfil his/her mandate effectively;

3. *Requests* the United Nations High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the independent expert;

4. *Requests* the independent expert to continue work on the preparation of a draft declaration on the right of peoples and individuals to international solidarity and to submit a report on the implementation of the present resolution to the Council, in accordance with its annual programme of work;

5. *Decides* to continue its consideration of this matter under the same agenda item.

39th meeting
27 March 2008

[Adopted by a recorded vote of 34 to 13. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

7/6. Mandate of the independent expert on minority issues

The Human Rights Council,

Recalling the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Recalling also all previous resolutions on the rights of persons belonging to national or ethnic, religious and linguistic minorities adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Commission resolution 2005/79 of 21 April 2005 and Council resolution 6/15 of 28 September 2007,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Expressing concern at the frequency and severity of disputes and conflicts involving minorities in many countries and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately the effects of conflict, resulting in the violation of their human rights, and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Taking note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities submitted to the Council at its fourth session (A/HRC/4/109), in which he recommended that the Council should maintain and improve existing mechanisms, including a special procedure,

1. *Commends* the independent expert on minority issues for the work that she has undertaken so far, for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, relevant United Nations bodies and mechanisms and non-governmental organizations;

2. *Expresses its appreciation* to Governments and intergovernmental and non-governmental organizations that have given special attention to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and have supported the work of the independent expert;

3. *Decides* to extend the mandate of the independent expert on minority issues for a period of three years and requests the independent expert:

(*a*) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(*b*) To identify best practices and possibilities for technical cooperation with the Office of the United Nations High Commissioner for Human Rights, at the request of Governments;

(*c*) To apply a gender perspective in his/her work;

(*d*) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(*e*) To take into account the views of non-governmental organizations on matters pertaining to his/her mandate;

(*f*) To guide the work of the Forum on Minority Issues, as decided by the Council in its resolution 6/15;

(*g*) To submit annual reports on his/her activities to the Council, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities;

4. *Calls upon* all States to cooperate with the independent expert in the performance of the tasks and duties mandated to him/her, and encourages specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate-holder;

5. *Requests* the Secretary-General and the High Commissioner for Human Rights to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the independent expert;

6. *Decides* to continue its consideration of this issue in accordance with the annual programme of work of the Council.

39th meeting
27 March 2008

[Adopted without a vote.]

7/7. Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Recalling its decision 2/112 and its resolution 6/28, and also recalling Commission on Human Rights resolutions 2003/68, 2004/87 and 2005/80, as well as General Assembly resolutions 57/219, 58/187, 59/191, 60/158, 61/171 and 62/159,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with proper assistance;

3. *Reaffirms* its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism, and in that regard calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;

4. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights, to respect that certain rights are non-derogable in any circumstances, and recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;[2]

5. *Calls upon* States to raise awareness of the importance of these obligations among national authorities involved in combating terrorism;

6. *Reaffirms* that counter-terrorism measures should be implemented in full consideration of the human rights of persons belonging to minorities and must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

7. *Calls upon* States not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

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[2] See, for example, general comment No. 29 (2001), on article 4 of the Covenant (derogations during a state of emergency) adopted by the Human Rights Committee.

8. *Urges* States, while countering terrorism, to fully comply with their obligations in respect of torture and other cruel, inhuman or degrading treatment or punishment, in particular the absolute prohibition of torture;

9. *Also urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

10. *Calls upon* States to refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular human rights law, international humanitarian law and international refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened in violation of international refugee law on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

11. *Also calls upon* States to ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly refugee law and human rights law, towards persons seeking international protection;

12. *Urges* States, while countering terrorism, to ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights, and their obligations under the International Covenant on Civil and Political Rights and of the Geneva Conventions and their additional Protocols, and the 1951 Convention relating to the status of refugees and the 1969 Protocol relating to the status of refugees, in their respective fields of applicability;

13. *Also urges* all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, benefit from the guarantees to which they are entitled under international law, including the review of their detention and, if subjected to trial, fundamental judicial guarantees;

14. *Opposes* any form of deprivation of liberty that amounts to placing a detained person outside of the protection of the law, and urges States to respect the safeguards concerning the liberty, security and dignity of the person and to treat all prisoners in all places of detention in accordance with international law, including human rights law and international humanitarian law;

15. *Acknowledges* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006 and recognizes that its entry into force will be a significant event;

16. *Calls upon* States to ensure that their laws criminalizing terrorist conduct and/or activities are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

17. *Urges* States while ensuring full compliance with their international obligations, to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combat terrorism;

18. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism;

19. *Acknowledges with appreciation* the reports of the Special Rapporteur on the promotion and protection of human rights while countering terrorism submitted to the Council (A/HRC/6/17 and Corr.1, A/HRC/4/26 and E/CN.4/2006/98);

20. *Also acknowledges with appreciation* the reports of the High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism submitted to the Council (E/CN.4/2006/94 and A/HRC/4/88) as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

21. *Calls upon* international, regional and subregional organizations to strengthen coordination and cooperation in promoting the protection of human rights and fundamental freedoms while countering terrorism;

22. *Encourages* States to make available to relevant national authorities the "Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism" and to take into account its content;

23. *Acknowledges with appreciation* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the relevant human rights bodies including the High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to develop and improve cooperation and dialogue with the Security Council and its Counter-Terrorism Committee, including its Executive Directorate;

24. *Also acknowledges with appreciation* the cooperation between the Special Rapporteur and all relevant procedures and mechanisms of the Council, United Nations human rights treaty bodies and the Office of the United Nations High Commissioner for Human Rights, and urges them to continue their cooperation, in accordance with their mandates, and to coordinate their efforts, where appropriate, in order to promote a consistent approach on this subject;

25. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures and mechanisms of the Council and the relevant comments and views of human rights treaty bodies;

26. *Notes with appreciation* the issuance by the Counter-Terrorism Committee of the Security Council of its policy guidance number 2 regarding human rights and the Committee;

27. *Takes note* of the requests by the General Assembly addressed to the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness about the necessity to respect human rights while countering terrorism;

28. *Requests* the High Commissioner to report regularly on the implementation of the present resolution to the Council, in accordance with its annual programme of work, and to the General Assembly;

29. *Decides* to continue consideration of this issue in the 2008-2009 cycle of the Council, in accordance with its annual programme of work.

39th meeting
27 March 2008

[Adopted without a vote.]

7/8. Mandate of the Special Rapporteur on the situation of human rights defenders

The Human Rights Council,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

Recalling also the continued validity and application of all the provisions of the above-mentioned Declaration,

Recalling further all previous resolutions on this subject, in particular Commission on Human Rights resolution 2005/67 of 20 April 2005 and General Assembly resolution 62/152 of 18 December 2007,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006, *Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

Emphasizing the important role that individuals and civil society institutions, including non-governmental organizations, groups and national human rights institutions, play in the promotion and protection of all human rights and fundamental freedoms for all,

1. *Takes note with appreciation* of the work conducted by the Special Representative of the Secretary-General on the situation of human rights defenders;

2. *Decides* to extend the special procedure on the situation of human rights defenders as a Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(*a*) To promote the effective and comprehensive implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through cooperation and constructive dialogue and engagement with Governments, relevant stakeholders and other interested actors;

(*b*) To study, in a comprehensive manner, trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(*c*) To recommend concrete and effective strategies to better protect human rights defenders through the adoption of a universal approach, and to follow up on these recommendations;

(*d*) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(*e*) To integrate a gender perspective throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders;

(*f*) To work in close coordination with other relevant United Nations bodies, offices, departments and specialized agencies, both at Headquarters and at the country level, and in particular with other special procedures of the Council;

(*g*) To report regularly to the Council and the General Assembly;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his/her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a

constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his/her recommendations so as to enable him/her to fulfil his/her mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance to the Special Rapporteur necessary for the effective fulfilment of his/her mandate;

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

40th meeting
27 March 2008

[Adopted without a vote.]

7/9. Human rights of persons with disabilities

The Human Rights Council,

Recalling the relevant resolutions of the General Assembly, the most recent of which are resolution 62/170 of 18 December 2007 on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and resolution 62/127 of 18 December 2007 on the implementation of the World Programme of Action concerning Disabled Persons,

Recalling also the relevant resolutions of the Commission on Human Rights, the most recent of which is resolution 2005/65 of 25 April 2005, as well as those of the Commission for Social Development of the Economic and Social Council,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others,

Recognizing also the importance of accessibility to the physical, social, economic and cultural environment, to health, education, information and communication, in enabling persons with disabilities to enjoy all human rights and fundamental freedoms fully,

Recognizing further the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

Recognizing that women and girls with disabilities are often subject to multiple discrimination, and emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

1. *Reaffirms* the need to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity, and in this regard, calls upon Governments to take active measures:

(*a*) To prevent and prohibit all forms of discrimination against persons with disabilities;

(*b*) To ensure, for persons with disabilities, full and effective participation and inclusion, respect for their individual autonomy, including the freedom to make one's own choices; independence; and equality of opportunity;

2. *Welcomes* the adoption by the General Assembly on 13 December 2006 of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and expresses the hope that they will enter into force at an early date;

3. *Also welcomes* the fact that, since the opening for signature of the Convention and Optional Protocol on 30 March 2007, 126 States have signed and 17 have ratified the Convention, and that 71 States have signed and 11 have ratified the Optional Protocol, and calls upon those States and regional integration organizations that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

4. *Further welcomes* the attention that several special rapporteurs have paid to the rights of persons with disabilities in carrying out their mandates, and requests special procedures, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities;

5. *Encourages* the Human Rights Council Advisory Committee, and other mechanisms of the Council, to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations so as to facilitate the inclusion of persons with disabilities in the work of the Council;

6. *Urges* all stakeholders to give consideration to the rights of persons with disabilities at all stages of the universal periodic review, including during the consultations carried out by States at the national level for the preparation of information to be submitted for the review, so as to include national human rights institutions and non-governmental organizations representing persons with disabilities in such consultations;

7. *Welcomes* the attention paid to the rights of persons with disabilities in the work of several human rights treaty monitoring bodies and encourages all such bodies to further integrate the perspective of persons with disabilities in their work, including in their monitoring activities and through the issuing of general comments;

8. *Urges* Governments to address fully, in consultation with, inter alia, national human rights institutions and organizations of persons with disabilities, the rights of persons with disabilities when fulfilling their reporting obligations under the relevant United Nations human rights instruments, and welcomes the efforts of those Governments that have begun to do so;

9. *Welcomes* the report of the High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities (A/HRC/7/61) and invites the High Commissioner to continue to provide

adequate support for the integration of the perspective of persons with disabilities in the work of the Council and to continue the activities of her Office that contribute to raising awareness and understanding of the Convention on the Rights of Persons with Disabilities, including in cooperation with the Department for Economic and Social Affairs of the Secretariat;

10. *Encourages* States to raise awareness regarding the rights of persons with disabilities, including through public awareness campaigns and training programmes, to combat stereotypes, prejudices, harmful practices and attitudinal barriers relating to persons with disabilities and to promote positive perceptions and greater social awareness of persons with disabilities;

11. *Encourages* the High Commissioner for Human Rights to take fully into account the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines the need for the Council, including its Internet resources, to be fully accessible to persons with disabilities;

12. *Encourages* States to take appropriate measures to identify and eliminate obstacles and barriers to accessibility for persons with disabilities, in particular to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communications, and to other facilities open or provided to the public, both in urban and rural areas;

13. *Welcomes* the important role played by national human rights institutions and civil society organizations, including organizations of persons with disabilities, in the negotiation of the Convention on the Rights of Persons with Disabilities, and encourages relevant institutions and organizations to continue their efforts to promote understanding of the Convention and, where appropriate, its implementation;

14. *Encourages* the Office of the United Nations High Commissioner to continue to strengthen its partnerships with and its outreach activities towards civil society organizations, with a particular emphasis on organizations representing persons with disabilities, so as to raise awareness among them about the work of the human rights system;

15. *Decides* to hold an annual interactive debate in one of its regular sessions on the rights of persons with disabilities and that the first such debate should be held at its tenth session, focusing on key legal measures for ratification and effective implementation of the Convention, including with regard to equality and non-discrimination;

16. *Requests* the Office of the High Commissioner to prepare a thematic study to enhance awareness and understanding of the Convention on the Rights of Persons with Disabilities, focusing on legal measures key for the ratification and effective implementation of the Convention, such as those relating to equality and non-discrimination, in consultation with States, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be available on the website of the Office of the High Commissioner, in an accessible format, prior to the tenth session of the Council;

17. *Notes* that the General Assembly requested the Secretary-General to submit to the Assembly at its next session a report on the status of the Convention and the Optional Protocol and on the implementation of resolution 62/170, and that it also requested the Secretary-General to submit that report to the Council as a contribution to its discussion of the rights of persons with disabilities;

18. *Invites* the Special Rapporteur on disability of the Commission for Social Development to continue cooperating with the Council and to address it on activities undertaken pursuant to his/her mandate, in accordance with its programme of work.

40th meeting
27 March 2008

[Adopted without a vote.]

7/10. Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Reaffirming its decision 2/111 of 27 November 2006, as well as all previous resolutions adopted by the Commission on Human Rights on the issue of human rights and arbitrary deprivation of nationality, in particular resolution 2005/45 of 19 April 2005,

Recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality, in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Noting the relevant provisions of international human rights instruments and instruments on statelessness and nationality, inter alia, article 5, paragraph (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination; article 24, paragraph 3, of the International Covenant on Civil and Political Rights; articles 7 and 8 of the Convention on the Rights of the Child; articles 1 to 3 of the Convention on the Nationality of Married Women; article 9 of the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Reduction of Statelessness,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto, *Stressing* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, by which the Assembly established the Human Rights Council,

Recalling General Assembly resolution 61/137 of 25 January 2007, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Noting the important work of the Office of the United Nations High Commissioner for Refugees in seeking to address and prevent the problem of statelessness, including the adoption by its Executive Committee of the conclusion on identification, prevention and reduction of statelessness and protection of stateless persons No. 106 (LVII) - 2006,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions 55/153 of 12 December 2000 and 59/34 of 2 December 2004 on the nationality of natural persons in relation to the succession of States,

Recalling also the resolutions of the Sub-Commission on the Promotion and Protection of Human Rights on the rights of non-citizens, in particular of paragraph 7 of its resolution 2003/21 of 13 August 2003, and also of the final report of the Special Rapporteur of the Sub-Commission on the rights of non-citizens (E/CN.4/Sub.2/2003/23 and Add.1-4),

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic, religious, gender or political grounds,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness, and in this regard expressing concern at various forms of discrimination against stateless persons that violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right;

2. *Recognizes* that arbitrary deprivation of nationality on racial, national, ethnic, religious, political or gender grounds is a violation of human rights and fundamental freedoms;

3. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, gender, religion, political opinion or national or ethnic origin, especially if such measures and legislation render a person stateless;

4. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

5. *Calls upon* States that have not already done so to consider accession to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality, thereby hampering his or her social integration;

7. *Calls upon* States to ensure that an effective remedy is available to persons who have been arbitrarily deprived of their nationality;

8. *Urges* the appropriate mechanisms of the Council and the appropriate United Nations treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

9. *Requests* the Secretary-General to collect information on this question from all relevant sources and to make it available to the Council at its tenth session;

10. *Decides* to continue its consideration of this matter at its tenth session under the same agenda item.

40th meeting
27 March 2008

[Adopted without a vote.]

7/11. The role of good governance in the promotion and protection of human rights

The Human Rights Council,

Guided by the Universal Declaration of Human Rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action, which affirmed that all human rights are universal, indivisible, interdependent and interrelated, *Recalling* Commission on Human Rights resolution 2005/68 of 20 April 2005 and all previous relevant resolutions on the role of the good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of human rights and fundamental freedoms and of the mutually reinforcing relationship between good governance and human rights,

Recognizing also that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, including women and members of vulnerable and marginalized groups, is the foundation on which good governance rests and that such a foundation is an indispensable condition for the full realization of human rights, including the right to development,

Emphasizing that democracies have embedded institutional advantages incontestably favourable to sustainable development, and that when based on the respect for human rights, they provide political incentives to Governments to respond to the needs and demands of the people, allow for more informed and extensive policy dialogue, are more adaptable, and create necessary checks and balances on Government power,

Reaffirming the leading role played by the United Nations in developing and promoting democracy and human rights, and recognizing the role of other processes, including the International Conference of New or Restored Democracies and the Community of Democracies,

Reaffirming also the importance of international and regional cooperation, when required by the States in need, in order to facilitate the implementation of good governance and anti-corruption practices at all levels,

Stressing that good governance at the national and international levels is essential for sustained economic growth, sustainable development and the eradication of poverty and hunger, as reflected in the 2005 World Summit Outcome,

Noting with satisfaction the outcomes of the respective conferences of the Community of Democracies, held in Warsaw in 2000, in Seoul in 2002, in Santiago in 2005 and in Bamako in 2007, at which the States committed themselves to build on shared principles and goals to promote democracy in all regions of the world, to support the integrity of democratic processes in societies on the democratic path and to coordinate policies to enhance the effectiveness of democratic governance,

Realizing that the fight against corruption at all levels plays an important role in the promotion and protection of human rights and in the process of creating an environment conducive to their full enjoyment,

Recognizing the increasing awareness in the international community of the detrimental impact of widespread corruption on human rights, through both the weakening of institutions and the erosion of public trust in government, as well as through the impairment of the ability of Governments to fulfil their human rights obligations, particularly the economic and social rights of the most vulnerable and marginalized, *Recognizing also* that effective anti-corruption measures and the protection of human rights are mutually reinforcing and that the promotion and protection of human rights is essential to the fulfilment of all aspects of an anti-corruption strategy,

Noting with attention the outcome of the first and second sessions of the Conference of the States parties to the United Nations Convention against Corruption, held in Dead Sea, Jordan, in 2006, and in Bali, Indonesia, in 2008,

1. *Welcomes* the note by the United Nations High Commissioner for Human Rights transmitting the report on the United Nations Conference on anti-corruption, good governance and human rights, held in Warsaw, on 8 and 9 November 2006, by the Office of the High Commissioner for Human Rights, and noting the main themes discussed during the seminar:

(*a*) The impact of corruption on human rights;

(*b*) Human rights and good governance in the fight against corruption;

(*c*) The role of civil society, the private sector and the media;

(*d*) Fighting corruption while safeguarding human rights;

2. *Invites* States to consider ratifying or acceding to the United Nations Convention against Corruption and to promote transparency, accountability, prevention and enforcement as key principles of anti-corruption efforts;

3. *Welcomes* the publication of the Office of the United Nations High Commissioner for Human Rights entitled "Good Governance Practices for the Protection of Human Rights", pursuant to Commission on Human Rights resolution 2005/68, and requests the Office of the High Commissioner to prepare a publication on anti-corruption, good governance and human rights, drawing on the results of the Warsaw conference;

4. *Decides* to continue its consideration of the question of the role of good governance, including the issue of the fight against corruption in the promotion and protection of human rights, at a future session.

40th meeting
27 March 2008

[Adopted by a recorded vote of 41 to none, with 6 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Brazil, Cameroon, Canada, Djibouti, Egypt, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Romania, Saudi Arabia, Senegal, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Abstaining: Bolivia, China, Cuba, Nicaragua, Russian Federation, Sri Lanka.]

7/12. Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right of life, the right of liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Recalling resolution 20 (XXXVI) of 29 February 1980 of the Commission on Human Rights establishing a Working Group consisting of five members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearances as a body of principles for all States,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and recognizing that its entry into force as soon as possible through its ratification by 20 States will be a significant event,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Acknowledging the fact that acts of enforced disappearance are crimes against humanity, as defined in the Rome Statute of the International Criminal Court,

Recalling resolutions 2004/40 of 19 April 2004 and 2005/27 of 19 April 2005 of the Commission on Human Rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, entitled "Institution-building of the United Nations Human Rights Council", and 5/2, entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances (A/HRC/7/2) and of the recommendations contained therein;

2. *Decides* to extend the mandate of the Working Group for a further period of three years, and encourages it, in fulfilling its mandate:

(*a*) To promote communication between families of disappeared persons and the Governments concerned, particularly when ordinary channels have failed, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(*b*) To observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of Government replies;

(*c*) To consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearances, and having in mind the set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II, and E/CN.4/2005/102/Add.1);

(*d*) To pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(*e*) To pay particular attention to cases transmitted to it that are most urgent from a humanitarian perspective and that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(*f*) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(*g*) To apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(*h*) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(*i*) To continue its deliberations on its working methods and to include these aspects in its reporting process to the Council;

(*j*) To submit a regular report on the implementation of its mandate to the Council in accordance with its annual programme of work;

3. *Calls on* Governments that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so and to give due consideration to relevant recommendations concerning this issue made by the Working Group in their reports;

4. *Urges* States:

(*a*) To promote and give full effect to the Declaration on the Protection of All Persons from Enforced Disappearances;

(*b*) To cooperate with the Working Group and help it to carry out its mandate effectively and, in that framework, give serious consideration to requests for visits to their countries;

(*c*) To prevent the occurrence of enforced disappearances, including by guaranteeing that any person deprived of liberty is held solely in officially recognized and supervised places of detention, guaranteeing access to all places of detention by authorities and institutions whose competence in this regard has been recognized by the concerned State, maintaining official, accessible, up-to-date registers and/or records of detainees, and ensuring that detainees are brought before a judicial authority promptly after detention;

(*d*) To work to eradicate the culture of impunity for the perpetrators of enforced disappearances and to elucidate cases of enforced disappearances as crucial steps in effective prevention;

(*e*) To prevent and investigate with special attention cases of enforced disappearance of persons belonging to vulnerable groups, especially children, and to bring the perpetrators of these enforced disappearances to justice;

(*f*) To take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

5. *Urges* the Governments concerned:

(*a*) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(*b*) To continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice;

(*c*) To make provisions in their legal systems for victims of enforced or involuntary disappearances or their families to seek fair, prompt and adequate reparation and, in addition, where appropriate, to consider symbolic measures recognizing the suffering of victims and restoring their dignity and reputation;

(*d*) To address the specific needs of the families of disappeared persons;

6. *Reminds* States that:

(*a*) As proclaimed in article 2 of the Declaration on the Protection of All Persons from Enforced Disappearances, no State shall practise, permit or tolerate enforced disappearances;

(*b*) All acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties, which should take due account of their extreme seriousness under criminal law;

(*c*) They should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(*d*) If there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, all the perpetrators of that disappearance must be brought to justice;

(*e*) Impunity is simultaneously one of the underlying causes of enforced disappearances and a major obstacle to the elucidation of such cases;

(*f*) As proclaimed in article 11 of the Declaration, all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured;

7. *Expresses*:

(*a*) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have accepted visits of the Working Group to their countries, requesting them to give all necessary attention to the Working Group's recommendations and inviting them to inform the Working Group of any action they take on those recommendations;

(*b*) Its appreciation to the Governments that are investigating, cooperating at the international and bilateral levels, and have developed or are developing appropriate mechanisms to investigate any claims of enforced disappearance that are brought to their attention, and encourages all Governments concerned to expand their efforts in this area;

8. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced and involuntary disappearances and in giving effect to the principles set forth in the Declaration;

9. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration, and invites those organizations to continue their cooperation;

10. *Requests* the Secretary-General to continue:

(*a*) To ensure that the Working Group receives all the assistance and resources it requires to perform its functions, including supporting the principles of the Declaration, carrying out and following up on missions and holding sessions in countries that are prepared to receive it;

(*b*) To provide the resources needed to update the database on cases of enforced disappearance;

(*c*) To keep the Working Group and the Council regularly informed of the steps taken for the wide dissemination and promotion of the Declaration;

11. *Decides* to continue consideration of the matter in accordance with its programme of work.

40th meeting
27 March 2008

[Adopted without a vote.]

7/13. Mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling also all previous resolutions on the mandate on sale of children, child prostitution and child pornography, especially Commission on Human Rights resolution 1990/68 of 7 March 1990 and decision 2004/285 of the Economic and Social Council of 22 July 2004,

Bearing in mind the Convention on the Rights of the Child and its Optional Protocols and other instruments relating to this mandate,

Deeply concerned about the persistence of the practices of sale of children, child prostitution and child pornography in many parts of the world,

1. *Welcomes* the work and contributions of the Special Rapporteur on the sale of children, child prostitution and child pornography;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years:

(*a*) To consider matters relating to the sale of children, child prostitution and child pornography;

(*b*) To continue, through continuous and constructive dialogue with Governments, intergovernmental organizations and civil society, including non-governmental organizations concerned, the analysis of the root causes of sale of children, child prostitution and child pornography, addressing all the contributing factors, especially the demand factor;

(*c*) To identify and make concrete recommendations on preventing and combating new patterns of sale of children, child prostitution and child pornography;

(*d*) To identify, exchange and promote best practices on measures to combat the sale of children, child prostitution and child pornography;

(*e*) To continue, in consultation with Governments, intergovernmental organizations and civil society, including non-governmental organizations concerned, his/her efforts to promote comprehensive strategies and measures on the prevention of sale of children, child prostitution and child pornography;

(*f*) To make recommendations on the promotion and protection of human rights of children actual or potential victims of sale, prostitution and pornography, as well as on the aspects related to the rehabilitation of child victims of sexual exploitation;

(*g*) To integrate a gender perspective throughout the work of his/her mandate;

(*h*) To work in close coordination with other relevant bodies and mechanisms of the United Nations, the Committee on the Rights of the Child and, in particular, with other special procedures of the Council, such as the Special Rapporteur on trafficking in persons, especially in women and children, the Special Rapporteur on violence against women, the Special Rapporteur on contemporary forms of slavery and the Special Representative of the Secretary-General on violence against children, bearing in mind their complementarity, in order to strengthen the work for the promotion and protection of human rights and fundamental freedoms while avoiding unnecessary duplication of efforts;

(*i*) To submit a report on the implementation of his/her mandate to the Council in accordance with its annual programme of work;

3. *Requests* all Governments to cooperate with the Special Rapporteur in the performance of the task and duties mandated, to furnish necessary information requested in his/her communications and to react promptly to the Special Rapporteur's urgent appeals;

4. *Encourages* all Governments to respond favourably to the requests of the Special Rapporteur to visit their countries so as to enable him/her to fulfil the mandate effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human, technical and financial assistance to the Special Rapporteur necessary for the effective fulfilment of his/her mandate;

6. *Decides* to continue the consideration of this question in accordance with its programme of work.

40th meeting
27 March 2008

[Adopted without a vote.]

7/14. The right to food

The Human Rights Council,

Recalling all previous resolutions on the issue of the right to food, in particular General Assembly resolution 62/164 of 18 December 2007 and Council resolution 6/2 of 27 September 2007, as well as all resolutions of the Commission on Human Rights in this regard,

Recalling also the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

Bearing in mind paragraph 6 of its resolution 60/251 of 15 March 2006,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential, *Recognizing* that the problems of hunger and food insecurity have global dimensions and that there has been virtually no progress made on reducing hunger and that it could increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Noting that environmental degradation, desertification and global climate change are exacerbating destitution and desperation, causing a negative impact on the realization of the right to food, in particular in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Welcoming the theme "The right to food", chosen by the Food and Agriculture Organization of the United Nations to mark World Food Day on 16 October 2007,

Taking note of the Final Declaration adopted at the International Conference on Agrarian Reform and Rural Development of the Food and Agriculture Organization of the United Nations in Pôrto Alegre, Brazil, on 10 March 2006,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that more than 6 million children still die every year from hunger-related illness before their fifth birthday and that there are about 854 million undernourished people in the world and that, while the prevalence of hunger has diminished, the absolute number of undernourished people has been increasing in recent years when, according to the Food and Agriculture Organization of the United Nations, the planet could produce enough food to feed 12 billion people, twice the world's present population;

4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls,

including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves and their families;

6. *Encourages* the Special Rapporteur on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

7. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

8. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger, and recognizes in this regard the great efforts and positive developments with respect to the right to food in some developing countries and regions, including those highlighted in the report of the Special Rapporteur (See A/62/289);

9. *Stresses* that improving access to productive resources and public investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

10. *Recognizes* that 80 per cent of hungry people live in rural areas, and 50 per cent are small-scale farm-holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs, and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; and that support by States for small farmers, fishing communities and local enterprises is an element key to food security and provision of the right to food;

11. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa;

12. *Also stresses* its commitments to promote and protect, without discrimination, the economic, social and cultural rights of indigenous peoples, in accordance with international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous communities have expressed in different forums their deep concerns over the obstacles and challenges they face for the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

13. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

14. *Recognizes* the need to strengthen national commitment as well as international assistance, upon request and in cooperation with affected countries, towards a better realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their homes and land because of hunger or natural or man-made disasters affecting the enjoyment of the right to food;

15. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

16. *Recognizes* the need for a successful conclusion of the Doha Development Round negotiations of the World Trade Organization as a contribution to creating international conditions that permit the realization of the right to food;

17. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

18. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

19. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

20. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

21. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

22. *Stresses* the importance of international development cooperation and assistance, in particular in activities related to disaster risk reduction and in emergency situations such as natural and man-made disasters, diseases and pests, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

23. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

24. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

25. *Encourages* the Special Rapporteur on the right to food and the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

26. *Recognizes* the negative impact of massive rises in prices of food on the realization of the right to food, particularly on people in developing countries with a high level of dependence on food imports for the fulfilment of nutritional national requirements;

27. *Takes note* of the report of the Special Rapporteur on the right to food (A/HRC/7/5), and of his valuable work in the promotion of the right to food in all parts of the world and expresses its appreciation for the work and commitment of the first mandate-holder to achieving the realization of the right to food;

28. *Encourages* the new mandate-holder on the right to food to discharge his/her activities taking into account the important achievements in the fulfilment of the mandate in recent years;

29. *Supports* the realization of the mandate of the Special Rapporteur as extended for a period of three years by the Council in its resolution 6/2 of 27 September 2007;

30. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

31. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

32. *Recalls* general comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

33. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

34. *Requests* the Advisory Committee to consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards;

35. *Welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

36. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his/her task, to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him/her to fulfil his/her mandate more effectively;

37. *Decides* to convene a panel discussion on the realization of the right to food in the period of its main session of 2009;

38. *Recalls* the requests made by the General Assembly, in its resolution 62/164, that the Special Rapporteur submit to it an interim report at its sixty-third session on the implementation of that resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate, and by the Council that the Special Rapporteur submit to it a comprehensive report on the fulfilment of his/her mandate in 2009, in accordance with its annual programme of work;

39. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his/her mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

40. *Decides* to continue the consideration of this matter under the same agenda item in 2009 in accordance with its annual programme of work.

40th meeting
27 March 2008

[Adopted without a vote.]

7/15. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the sixtieth anniversary of which we celebrate this year, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Commission resolutions 2004/13 and 2005/11 and Assembly resolution 62/167, and urging the implementation of those resolutions,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Bearing in mind the reports on the situation of human rights in the Democratic People's Republic of Korea submitted by the Special Rapporteur, including reports A/62/264 and A/HRC/7/20 and urging the implementation of the recommendations therein,

Having reviewed the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,

Deeply concerned at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea and at the unresolved questions of international concern relating to the abduction of foreigners, and urging the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms,

Deploring the grave human rights situation in the Democratic People's Republic of Korea,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him,

Alarmed by the precarious humanitarian situation in the country,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

1. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken so far and his continued efforts in the conduct of the mandate despite the limited access to information;

2. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Commission on Human Rights resolutions 2004/13 and 2005/11, for a period of one year;

3. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit the country and to provide him with all necessary information to enable him to fulfil his mandate;

4. *Also urges* the Government of the Democratic People's Republic of Korea to ensure safe and unhindered access of humanitarian assistance that is delivered impartially on the basis of need, in accordance with humanitarian principles;

5. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate-holders, interested institutions and independent experts and non-governmental organizations to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

6. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

7. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Council and the General Assembly.

40th meeting
27 March 2008

[Adopted by a recorded vote of 22 to 7, with 18 abstentions. The voting was as follows:[3]

In favour: Bolivia, Bosnia and Herzegovina, Brazil, Canada, France, Germany, Ghana, Italy, Japan, Jordan, Madagascar, Mexico, Netherlands, Peru, Republic of Korea, Romania, Saudi Arabia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: China, Cuba, Egypt, Indonesia, Malaysia, Nicaragua, Russian Federation.

Abstaining: Angola, Azerbaijan, Bangladesh, Cameroon, Djibouti, Gabon, Guatemala, India, Mali, Mauritius, Nigeria, Pakistan, Philippines, Qatar, Senegal, South Africa, Sri Lanka, Zambia.]

7/16. Situation of human rights in the Sudan

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Right and the International Covenants on Human Rights,

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[3] The representative of Bangladesh subsequently stated that his delegation had intended to vote in favour of the draft resolution.

Reaffirming that all Members States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international human rights instruments,

Reaffirming also Commission on Human Rights resolution 2005/82 of 21 April 2005 and Council resolutions 6/34 and 6/35 of 14 December 2007,

Bearing in mind the report by the Special Rapporteur on the situation of human rights in the Sudan (A/62/354) and urging the implementation of the recommendations contained therein,

1. *Takes note* of the report of the Special Rapporteur (A/HRC/7/22);

2. *Welcomes* the collaboration of the Government of the Sudan with the Special Rapporteur, including at ministerial level, and takes note with interest of its engagement with the international community on human rights issues;

3. *Urges* the Government of the Sudan to continue cooperating fully with the Special Rapporteur and to respond favourably to her requests to visit all parts of the Sudan and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively;

4. *Calls on* the Government of the Sudan to continue and intensify its efforts for the promotion and protection of human rights, by taking all possible concrete steps to improve the human rights situation;

5. *Acknowledges* the measures taken by the Government of the Sudan to address the human rights situation in the Sudan, but expresses its concern that, for various reasons, their implementation has not yet led to the desired positive impact on the ground;

6. *Expresses its deep concern* at the seriousness of the ongoing violations of human rights and international humanitarian law in some parts of Darfur, and reiterates its call to all parties to put an end to all acts of violence against civilians, with special focus on vulnerable groups including women, children and internally displaced persons, as well as human rights defenders and humanitarian workers;

7. *Stresses* the primary responsibility of the Government of the Sudan to protect all its citizens, including all vulnerable groups;

8. *Calls upon* the signatories of the Darfur Peace Agreement to comply with their obligations under the Agreement, acknowledges the measures already taken towards its implementation and calls upon non-signatory parties to participate and to commit themselves to the Darfur political process led by the African Union and the United Nations, in compliance with relevant resolutions of the United Nations, including paragraph 5 of Council resolution 4/8;

9. *Urges* the Government of the Sudan to continue and intensify its efforts to implement the recommendations identified by the Group of Experts, in accordance with the specified time frames and indicators;

10. *Encourages* the Government of the Sudan to accelerate the progressive realization of economic, social and cultural rights in the Sudan;

11. *Invites* relevant United Nations bodies and agencies, including the Office of the United Nations High Commissioner for Human Rights, to continue providing support and technical assistance to the Sudan for the implementation of the recommendations of the Group of Experts, and calls upon donors to continue providing financial and technical assistance and required equipment for the improvement of human rights in the Sudan and to continue to provide support for the implementation of the Comprehensive Peace Agreement;

12. *Calls upon* the Government of the Sudan to accelerate the implementation of the Comprehensive Peace Agreement and to establish the remaining commissions, in particular the finalization of the establishment of the national human rights commission, in accordance with the Paris Principles;

13. *Expresses particular concern* at the fact that perpetrators of past and ongoing serious violations of human rights and international humanitarian law in Darfur have not yet been held accountable for their crimes and urges the Government of the Sudan to address urgently this question, by thoroughly investigating all allegations of human rights and international humanitarian law violations, promptly bringing to justice the perpetrators of those violations;

14. *Decides* to review the situation of human rights in the Sudan at its session in September 2008.

40th meeting
27 March 2008

[Adopted without a vote.]

7/17. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination, *Guided further* by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling the resolutions adopted in this regard by the Commission on Human Rights, the last of which was resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States living side by side in peace and security, Palestine and Israel;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue the consideration of this question at its session of March 2009.

40th meeting
27 March 2008

[Adopted without a vote.]

7/18. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations, and affirming the inadmissibility of the acquisition of territory by force,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly, most recently General Assembly resolution 62/108 of 17 December 2007 in which the Assembly reaffirmed, inter alia, the illegality of the Israeli settlements in the occupied territories,

Mindful that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I),

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law",

Recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity, *Expressing its grave concern* at the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State, in violation of international humanitarian law and relevant United Nations resolutions,

Expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution,

Expressing grave concern at the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the route of the wall has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/7/17) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him to discharge his mandate fully;

2. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law and pledges made by Israel at the Annapolis Peace Conference of 27 November 2007;

3. *Expresses its grave concern* at:

(*a*) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and in particular article 49 of that Convention; settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(*b*) The Israeli so-called E-1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(*c*) The implications for the final status negotiations of the announcement by Israel that it will retain the major settlement blocks in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(*d*) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would be tantamount to de facto annexation;

(*e*) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, in violation of international law and relevant United Nations resolutions;

(*f*) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have created an extremely precarious humanitarian situation for the civilian population and impaired the economic and social rights of the Palestinian people;

(*g*) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

4. *Urges* Israel, the occupying Power:

(*a*) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities;

(*b*) To prevent any new installation of settlers in the occupied territories;

5. *Urges* the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of the Rafah and Karni crossings, which are crucial to the passage of foodstuffs and essential supplies, as well as the access of United Nations agencies to and within the Occupied Palestinian Territory;

6. *Demands* that Israel implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

7. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

8. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

9. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the Palestinian State and to implement fully the road map endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

10. *Decides* to continue the consideration of this question at its session of March 2009.

40th meeting
27 March 2008

[Adopted by a recorded vote of 46 to 1. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, France, Gabon, Germany, Ghana, Guatemala, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Sri Lanka, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Against: Canada.]

7/19. Combating defamation of religions

The Human Rights Council,

Recalling the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1 of 24 October 2005, in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter of the United Nations, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status, and acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

Recalling also the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in September 2001 (A/CONF.189/12 and Corr.1, chap. I),

Recalling further the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981, *Recognizing* the valuable contribution of all religions to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Noting the Declaration adopted by the Islamic Conference of Foreign Ministers at its thirty-fourth session in Islamabad, in May 2007, which condemned the growing trend of Islamophobia and systematic discrimination against the adherents of Islam and emphasized the need to take effective measures to combat defamation of religions,

Noting also the final communiqué adopted by the Organization of the Islamic Conference at its eleventh summit, in Dakar, in March 2008, in which the Organization expressed concern at the systematically negative stereotyping of Muslims and Islam and other divine religions, and denounced the overall rise in intolerance and discrimination against Muslim minorities, which constitute an affront to human dignity and run counter to the international human rights instruments,

Recalling the joint statement of the Organization of the Islamic Conference, the European Union and the Secretary-General of 7 February 2006, in which they recognized the need, in all societies, to show sensitivity and responsibility in treating issues of special significance for the adherents of any particular faith, even by those who do not share the belief in question,

Reaffirming the call made by the President of the General Assembly in his statement of 15 March 2006 that, in the wake of existing mistrust and tensions, there is a need for dialogue and understanding among civilizations, cultures and religions to commit to working together to prevent provocative or regrettable incidents and to develop better ways of promoting tolerance, respect for and freedom of religion and belief,

Welcoming all international and regional initiatives to promote cross-cultural and interfaith harmony, including the Alliance of Civilizations and the International Dialogue on Interfaith Cooperation and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels,

Welcoming also the report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the situation of Muslims and Arabs in various parts of the world (E/CN.4/2006/17),

Welcoming further the reports of the Special Rapporteur submitted to the Council at its fourth and sixth sessions (A/HRC/4/19 and A/HRC/6/6), in which he draws the attention of Member States to the serious nature of the defamation of all religions and to the promotion of the fight against these phenomena by strengthening the role of interreligious and intercultural dialogue and promoting reciprocal understanding and joint action to meet the fundamental challenges of development, peace and the protection and promotion of human rights, as well as the need to complement legal strategies,

Reiterating the call made by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to Member States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in the International Covenant on Civil and Political Rights,

Emphasizing that States, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and freedom of religion and belief through education,

Noting with concern that defamation of religions is among the causes of social disharmony and instability, at the national and international levels, and leads to violations of human rights,

Noting with deep concern the increasing trend in recent years of statements attacking religions, including Islam and Muslims, in human rights forums,

1. *Expresses deep concern* at the negative stereotyping of all religions and manifestations of intolerance and discrimination in matters of religion or belief;

2. *Also expresses deep concern* at attempts to identify Islam with terrorism, violence and human rights violations and emphasizes that equating any religion with terrorism should be rejected and combated by all at all levels;

3. *Further expresses deep concern* at the intensification of the campaign of defamation of religions and the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

4. *Expresses its grave concern* at the recent serious instances of deliberate stereotyping of religions, their adherents and sacred persons in the media and by political parties and groups in some societies, and at the associated provocation and political exploitation;

5. *Recognizes* that, in the context of the fight against terrorism, defamation of religions becomes an aggravating factor that contributes to the denial of fundamental rights and freedoms of target groups and their economic and social exclusion;

6. *Expresses concern* at laws or administrative measures that have been specifically designed to control and monitor Muslim minorities, thereby stigmatizing them and legitimizing the discrimination that they experience;

7. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions and targeting of religious symbols;

8. *Urges* States to take actions to prohibit the dissemination, including through political institutions and organizations, of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to racial and religious hatred, hostility or violence;

9. *Also urges* States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from the defamation of any religion, to take all possible measures to promote tolerance and respect for all religions and their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

10. *Emphasizes* that respect of religions and their protection from contempt is an essential element conducive for the exercise by all of the right to freedom of thought, conscience and religion;

11. *Urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect all religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that all necessary and appropriate education or training is provided;

12. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to freedom of expression, and that the exercise of this right carries with it special duties and responsibilities, and may therefore be subject to certain restrictions, but only those provided by law and necessary for the respect of the rights or reputations of others, or for the protection of national security or of public order, or of public health or morals;

13. *Reaffirms* that general comment No. 15 of the Committee on the Elimination of Racial Discrimination, in which the Committee stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

14. *Deplores* the use of printed, audio-visual and electronic media, including the Internet, and of any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam or any religion;

15. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all rights to the Council at its ninth session;

16. *Requests* the High Commissioner for Human Rights to report on the implementation of the present resolution and to submit a study compiling relevant existing legislations and jurisprudence concerning defamation of and contempt for religions to the Council at its ninth session.

40th meeting
27 March 2008

[Adopted by a recorded vote of 21 to 10, with 14 abstentions. The voting was as follows:

In favour: Azerbaijan, Bangladesh, Cameroon, China, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Mali, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka.

Against: Canada, France, Germany, Italy, Netherlands, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Bolivia, Brazil, Gabon, Ghana, Guatemala, India, Japan, Madagascar, Mauritius, Mexico, Peru, Republic of Korea, Uruguay, Zambia.]

7/20. Technical cooperation and advisory services in the Democratic Republic of the Congo

The Human Rights Council,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolution 5/1 of 18 June 2007, by which it renewed the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo until such time as it would be considered by the Council according to its programme of work,

Recalling further that, in its resolution 5/1, the Council decided that decisions to create, review or discontinue country mandates should also take into account the principles of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations, and that any decision to streamline, merge or eventually discontinue mandates should always be guided by the need for improvement of the enjoyment and the protection of human rights,

Taking into account the discussions held at the present session of the Council on the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo, in the context of the review, rationalization and improvement of the mandates of the Council,

Expressing its appreciation for the role undertaken by the international community, in particular by the African Union and the European Union in the Democratic Republic of the Congo, which contributed to improving the situation on the ground, including the holding of presidential elections in 2006, and bearing in mind the challenges still faced by the country,

Considering that the pertinent work undertaken by the Office of the United Nations High Commissioner for Human Rights and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo is mutually reinforcing with that of the thematic special procedures,

Taking into consideration that the presence of the Office of the High Commissioner for Human Rights in the Democratic Republic of the Congo and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo have been merged with a view to achieving more efficiency in their work on the human rights situation in the country,

Taking into consideration also the implementation of the new mechanism of cooperation between the Government of the Democratic Republic of the Congo, the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights and civil society, called the "Entité de liaison des droits de l'homme",

Having reviewed the mandate of the independent expert on the situation of human rights in the Democratic Republic of the Congo,

1. *Welcomes* the cooperation established by the Democratic Republic of the Congo with the independent expert during the period of his mandate;

2. *Also welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and its invitation to a number of them, including the Special Rapporteur on violence against women, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right to health, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Representative of the Secretary-General for children and armed conflict, to make recommendations, within their respective mandates, on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, taking also into account the needs formulated by the Government of the Democratic Republic of the Congo;

3. *Invites* the Government of the Democratic Republic of the Congo to inform and update the Council, at its future sessions, on the human rights situation on the ground, identifying the challenges that it may still encounter as well as its needs in this regard;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights, through its presence in the Democratic Republic of the Congo, to increase and enhance its technical assistance activities and programmes in consultation with the authorities of the country;

5. *Calls on* the international community to support the implementation of the local mechanism of cooperation between the Government of the Democratic Republic of the Congo, the Office of the United Nations High Commissioner for Human Rights and the human rights section of the United Nations Organization Mission in the Democratic Republic of the Congo, called "Entité de liaison des droits de l'homme";

6. *Invites* the High Commissioner to report to the Council at its session in March 2009 on the human rights situation in the Democratic Republic of the Congo, and the activities the Office of the High Commissioner has undertaken in the country;

7. *Requests* the above-mentioned thematic special procedures (see paragraph 2 above) to report to the Council no later than its session in March 2009 under agenda item 10;

8. *Calls on* the international community to provide the Democratic Republic of the Congo with the various forms of assistance that the Democratic Republic of the Congo requests, with a view to improving the human rights situation;

9. *Decides* to pursue this matter under the same agenda item at its session in March 2009.

40th meeting
27 March 2008

[Adopted without a vote.]

7/21. Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all of the previous resolutions adopted by the General Assembly and the Commission on Human Rights on the subject, including Assembly resolution 62/145 of 18 December 2007 and Commission resolution 2005/2 of 7 April 2005,

Bearing in mind paragraph 6 of Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 entitled "Institution-building of the United Nations Human Rights Council" and 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council" of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Acknowledges with appreciation* the work and contributions made by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and takes note with appreciation of its latest report (A/HRC/7/7);

2. *Decides* to extend the mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination for a period of three years:

(*a*) To elaborate and present concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

(*b*) To seek opinions and contributions from Governments and intergovernmental and non-governmental organizations on questions relating to its mandate;

(*c*) To monitor mercenaries and mercenary-related activities in all their forms and manifestations in different parts of the world;

(*d*) To study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

(*e*) To monitor and study the effects on the enjoyment of human rights, particularly the right of peoples to self-determination, of the activities of private companies offering military assistance, consultancy and security services on the international market and to prepare a draft of international basic principles that encourage respect for human rights by those companies in their activities;

3. *Also decides* to authorize the Working Group to hold three sessions per year of five working days each, two in Geneva and one in New York, in fulfilment of the mandate outlined in the present resolution;

4. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/15, para. 47);

5. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

6. *Expresses its appreciation* to the Office of the High Commissioner for its support for convening in Panama the regional governmental consultation for Latin American and Caribbean States on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

7. *Requests* the Office of the High Commissioner to inform the Council, in a timely manner, of the dates and places for the convening of the other regional governmental consultations on this matter, in conformity with paragraph 15 of General Assembly resolution 62/145, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors, including private military and security companies, in the current context, and their respective obligations for the protection and promotion of human rights and in reaching a common understanding as to which additional regulations and controls are needed at the international level;

8. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

10. *Requests* the Working Group to consult States, intergovernmental organizations, non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution and to report its findings on the use of mercenaries as a means of

violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-third session and to the Council in 2009 in accordance with its annual programme of work;

11. *Decides* to continue its consideration of this matter under the same agenda item.

41st meeting
28 March 2008

[Adopted by a recorded vote of 32 to 11, with 2 abstentions. The voting was as follows:

In favour:	Angola, Azerbaijan, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.
Against:	Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, United Kingdom of Great Britain and Northern Ireland.
Abstaining:	Switzerland, Ukraine.]

7/22. Human rights and access to safe drinking water and sanitation

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling its resolution 6/8 of 28 September 2007 and decision 2/104 of 27 November 2006 on human rights and equitable access to safe drinking water and sanitation,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling also the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling further relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted at major United Nations conferences and summits and by the General Assembly at its special sessions and their follow-up meetings, inter alia the Mar del Plata Action Plan on Water Development and Administration, Agenda 21 adopted by the United Nations Conference on Environment and Development or the Habitat Agenda adopted by the Habitat II conference, *Noting* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights),

Recalling commitments made by the international community to fully implement the Millennium Development Goals and stressing, in that context, the resolve of the Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve by 2015 the proportion of people without sustainable access to safe drinking water and basic sanitation,

Recalling also General Assembly resolution 61/192 of 20 December 2006, in which the Assembly declared 2008 the International Year of Sanitation,

Deeply concerned that over one billion people lack access to safe drinking water and that 2.6 billion lack access to basic sanitation,

Emphasizing that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child entail obligations in relation to access to safe drinking water and sanitation,

Mindful that certain aspects of human rights obligations related to the access to safe drinking water and sanitation have yet to be further studied, as pointed out in the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (A/HRC/6/3),

Affirming the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

1. *Recalls* the report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments, submitted pursuant to Council decision 2/104 of 27 November 2006;

2. *Decides* to appoint, for a period of three years, an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, whose tasks will be:

(*a*) To develop a dialogue with Governments, the relevant United Nations bodies, the private sector, local authorities, national human rights institutions, civil society organizations and academic institutions, to identify, promote and exchange views on best practices related to access to safe drinking water and sanitation, and, in that regard, to prepare a compendium of best practices;

(*b*) To advance the work by undertaking a study, in cooperation with and reflecting the views of Governments and relevant United Nations bodies, and in further cooperation with the private sector, local authorities, national human rights institutions, civil society organizations and academic institutions, on the further clarification of the content of human rights obligations, including non-discrimination obligations, in relation to access to safe drinking water and sanitation;

(*c*) To make recommendations that could help the realization of the Millennium Development Goals, in particular of Goal 7;

(*d*) To apply a gender perspective, including through the identification of gender-specific vulnerabilities;

(*e*) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Council, relevant United Nations bodies and the treaty bodies, and taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(*f*) To submit a report, including conclusions and recommendations, to the Council at its tenth session;

3. *Requests* the United Nations High Commissioner for Human Rights to ensure that the independent expert receives the necessary resources to enable him/her to discharge the mandate fully;

4. *Calls upon* all Governments to cooperate with the independent expert and invites them to share best practices with the independent expert, and to provide him/her with all the necessary information related to the mandate to enable him/her to fulfil the mandate;

5. *Decides* to continue its consideration of this matter under the same agenda item at its tenth session.

41st meeting
28 March 2008

[Adopted without a vote.]

7/23. Human rights and climate change

The Human Rights Council,

Concerned that climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights,

Recognizing that climate change is a global problem and that it requires a global solution,

Reaffirming the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action, *Noting* the findings of the fourth assessment report of the Intergovernmental Panel on Climate Change, including that the warming of the climate system is unequivocal and that most of the observed increase in global average temperatures since the mid-twentieth century is very likely human-induced,

Recognizing that the United Nations Framework Convention on Climate Change remains the comprehensive global framework to deal with climate change issues, reaffirming the principles of the Framework Convention as contained in article 3 thereof, and welcoming the decisions of the United Nations Climate Change Conference held in Bali, Indonesia, in December 2007, and in particular the adoption of the Bali Action Plan,

Recalling that the Vienna Declaration and Programme of Action reaffirmed the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and as an integral part of fundamental human rights,

Recognizing that human beings are at the centre of concerns for sustainable development and that the right to development must be fulfilled so as to equitably meet the development and environmental needs of present and future generations,

Recognizing also that the world's poor are especially vulnerable to the effects of climate change, in particular those concentrated in high-risk areas, and also tend to have more limited adaptation capacities,

Recognizing further that low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change,

Recalling the relevant provisions of declarations, resolutions and programmes of action adopted by major United Nations conferences, summits and special sessions and their follow-up meetings, in particular Agenda 21 and the Rio Declaration on Environment and Development, and the Johannesburg Declaration on Sustainable Development and the Johannesburg Plan of Implementation,

Recalling also Commission on Human Rights resolution 2005/60 of 20 April 2005 on human rights and the environment as part of sustainable development,

Recalling further Council resolution 6/27 of 14 December 2007 on adequate housing as a component of the right to an adequate standard of living and in particular paragraph 3 thereof, and Council decision 2/104 of 27 November 2006 on human rights and access to water,

Taking note of the contribution provided by special procedures of the Council in examining and advancing the understanding of the link between the enjoyment of human rights and the protection of environment,

Taking note also of the conclusions and recommendations contained in the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to the General Assembly (A/62/214), which include a call for the Council to study the impact of climate change on human rights,

1. *Decides* to request the Office of the United Nations High Commissioner for Human Rights, in consultation with and taking into account the views of States, other relevant international organizations and intergovernmental bodies including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to conduct, within existing resources, a detailed analytical study on the relationship between climate change and human rights, to be submitted to the Council prior to its tenth session;

2. *Encourages* States to contribute to the study conducted by the Office of the High Commissioner;

3. *Decides* to consider the issue at its tenth session under agenda item 3, and thereafter to make available the study, together with a summary of the debate held during its tenth session, to the Conference of Parties to the United Nations Framework Convention on Climate Change for its consideration.

41st meeting
28 March 2008

[Adopted without a vote.]

7/24. Elimination of violence against women

The Human Rights Council,

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women and girls,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", and the Declaration adopted at the forty-ninth session of the Commission on the Status of Women,

Reaffirming further the international commitments in the field of social development and to gender equality and the advancement of women made at the International Conference on Population and Development, the World Summit for Social Development and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as those made in the United Nations Millennium Declaration and at the 2005 World Summit,

Reaffirming Commission on Human Rights resolution 1994/45 of 4 March 1994, in which it decided to appoint a Special Rapporteur on violence against women, its causes and consequences, *Reaffirming also* Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system, all resolutions of the Commission on Human Rights on the elimination of violence against women, all General Assembly resolutions relevant to the elimination of all forms of violence against women, in particular resolution 61/143 of 19 December 2006, and Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation,

Welcoming the launch of the campaign of the Secretary-General in February 2008 to end violence against women,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, as well as the duty to provide access to just and effective remedies and specialized assistance to victims, including medical and psychological assistance, as well as effective counselling;

2. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences;

3. *Takes note* of the latest report of the Special Rapporteur (A/HRC/7/6), which includes efforts to formulate indicators on violence against women, as well as her previous reports on intersections between culture and violence against women (A/HRC/4/34) and on the due diligence standard as a tool for elimination of violence against women (E/CN.4/2006/61);

4. *Welcomes* the initiatives, increasing efforts and important contributions at the local, national, regional and international levels to eliminate all forms of violence against women and girls, and encourages, as a contribution to the effective implementation of the mandate of the

Special Rapporteur on violence against women, its causes and consequences, the continued efforts of States, all United Nations bodies, funds and programmes, regional organizations and non-governmental organizations, including women's organizations, to build upon and support, including through the allocation of adequate resources, these successful initiatives, and to support and participate in regional consultations in this area;

5. *Decides* to extend the mandate of the Special Rapporteur on violence against women, its causes and consequences, for a period of three years;

6. *Invites* the Special Rapporteur, in carrying out this mandate, within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women and the Beijing Declaration and Platform for Action:

(*a*) To seek and receive information on violence against women, its causes and its consequences, from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions, and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information;

(*b*) To recommend measures, ways and means, at the local, national, regional and international levels, to eliminate all forms of violence against women and its causes, and to remedy its consequences;

(*c*) To work closely with all special procedures and other human rights mechanisms of the Council and with the treaty bodies, taking into account the request of the Council that they regularly and systematically integrate the human rights of women and a gender perspective into their work, and cooperate closely with the Commission on the Status of Women in the discharge of its functions;

(*d*) To continue to adopt a comprehensive and universal approach to the elimination of violence against women, its causes and consequences, including causes of violence against women related to the civil, cultural, economic, political and social spheres;

7. *Requests* the Special Rapporteur, to report to the Council in accordance with its annual programme of work;

8. *Encourages* the Special Rapporteur, with a view to promoting greater efficiency and effectiveness and to enhancing his/her access to the information necessary to fulfil his/her duties, to continue to cooperate with regional intergovernmental organizations and any of their mechanisms engaged in the promotion and protection of the human rights of women and girls;

9. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his/her mandated tasks and duties, to supply all information requested, including with regard to implementation of the recommendations of the Special Rapporteur, and to give serious consideration to responding favourably to his/her requests for visits and communications;

10. *Requests* special procedures of the Council, United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages the human rights treaty bodies, to continue to give consideration to violence against women and girls within their respective mandates, to cooperate with and assist the Special Rapporteur in the performance of his/her mandated tasks and duties and, in particular, to respond to his/her requests for information on violence against women, its causes and consequences;

11. *Requests* the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance for the effective fulfilment of his/her mandate, in particular staff and resources, including to carry out and follow up on missions;

12. *Also requests* the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women, the General Assembly and the Committee on the Elimination of Discrimination against Women, and requests the Special Rapporteur to present an oral report annually to the Commission and to the Assembly;

13. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

41st meeting
28 March 2008

[Adopted without a vote.]

7/25. Prevention of genocide

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments,

Considering that the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, provides an important opportunity for the international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts for the prevention and punishment of the crime of genocide,

Emphasizing that the crime of genocide is recognized in the Convention as an odious scourge which has inflicted great losses on humanity and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

Deeply concerned about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the 1948 Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide, *Taking into consideration* that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

Affirming that impunity for such crimes encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

Acknowledging the significant progress made by the international community in the past 60 years, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention,

Recalling General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

Acknowledging with appreciation that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and anticipating that the functioning of the Court with a high number of ratifications of the Statute and the functioning of other relevant international criminal tribunals will help increase accountability for the crime of genocide,

Recalling that the Council is mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights within the United Nations system,

Recognizing the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

Reaffirming its full support for the mandate of the Special Adviser of the Secretary-General on the prevention of genocide, who acts, inter alia, as an early warning mechanism to prevent potential situations that could result in genocide,

Taking note with appreciation of the presentation of the reports of the Secretary-General submitted to the Council on the implementation of the Five-Point Action Plan and the activities of the Special Adviser (E/CN.4/2006/84 and A/HRC/7/37), as well as of the convening of two interactive dialogues with the Special Adviser at both the third and current sessions of the Council,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Expresses its appreciation* to all States that have ratified or acceded to the Convention, and in particular to the States that have done so in the years following the adoption of Commission on Human Rights resolution 2005/62 of 20 April 2005;

3. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

4. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

5. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and through regional organizations, aimed at fostering the principles enshrined in the Convention;

6. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to early detection and prevention of massive, serious and systematic violations of human rights, which if not halted, could lead to genocide;

7. *Recognizes* the important role of the Secretary-General in contributing to prompt consideration of early warning or prevention cases, as mandated by Security Council resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser, who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

8. *Welcomes* the decisions of the Secretary-General and of the General Assembly, as contained in its resolution 62/238, to retain the mandate of the Special Adviser, to upgrade his position to the level of Under-Secretary-General and to strengthen his office;

9. *Requests* all Governments to cooperate fully with the Special Adviser in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

10. *Underlines* the important role of the United Nations human rights system, including of the Council, the Office of the United Nations High Commissioner for Human Rights and the relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, and thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

11. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner for Human Rights to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to the national, ethnic, racial or religious groups as outlined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide;

12. *Emphasizes* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors, the existence of groups at risk, the massive, serious and systematic violation of human rights, and the resurgence of systematic discrimination, the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

13. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery, the preparatory process for the Review Conference on the implementation of the Durban Declaration and Programme of Action and any conferences commemorating the sixtieth anniversary of the Universal Declaration of Human Rights;

14. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

15. *Requests* the High Commissioner to circulate the reports of the Secretary-General submitted to the Council in order to obtain the views of States, relevant United Nations agencies, treaty bodies and special procedures on those reports, including on possible warning signs that might lead to genocide (E/CN.4/2006/84), and to report to the Council at its tenth session;

16. *Invites* the High Commissioner, as a matter of high priority and in consultations with States, to elaborate and implement, within existing resources, appropriate commemorative events to mark the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, having also in mind the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights;

17. *Also invites* the High Commissioner, as part of the commemorative events, and as an important contribution to developing preventive strategies, to organize, within existing resources, a seminar on the prevention of genocide, with the participation of States, relevant United Nations entities and other international and regional organizations, civil society, and academic and research bodies, and to publish a paper on the outcome of the seminar;

18. *Requests* the Secretary-General to make available to the Council at its tenth session an updated report on the efforts of the United Nations system to prevent genocide and on the activities of the Special Adviser, and invites the Special Adviser to an interactive dialogue with the Council at the same session on the progress made in discharging his duties;

19. *Decides* to continue consideration of this issue in accordance with its programme of work.

41st meeting
28 March 2008

[Adopted without a vote.]

7/26. International Convention for the Protection of All Persons from Enforced Disappearance

The Human Rights Council,

Recalling General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Recalling also its resolution 1/1 of 29 June 2006,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and its opening for signature, ratification and accession,

Welcoming the signature of the Convention by fifty-seven States at the opening ceremony, held in Paris, on 6 February 2007, and the signature of the Convention thereafter,

Welcoming also the ratification of the Convention by some States,

Recognizing that the entry into force of the Convention, as soon as possible, through its ratification by twenty States, will be a significant event,

Recognizing also the widespread campaign engaged by the "Group of Friends" of the Convention,

1. *Encourages* States that are in the process of signing, ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance to complete their internal procedures towards those ends in compliance with domestic legislation as expeditiously as possible;

2. *Encourages* all States that have not done so to consider signing, ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance;

3. *Invites* States to consider joining the campaign to share information on best practices and to work towards the early coming into force of the Convention with the aim of its universality.

41st meeting
28 March 2008

[Adopted without a vote.]

7/27. Human rights and extreme poverty

The Human Rights Council,

Deeply concerned that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries, *Reaffirming* in this regard the commitments made at relevant United Nations conferences, summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, and in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000 and the 2005 World Summit Outcome adopted by the Heads of State and Government at the 2005 World Summit,

Takes note of the draft guiding principles on extreme poverty and human rights: the rights of the poor annexed to resolution 2006/9 adopted by the Sub-Commission for the Promotion and Protection of Human Rights on 24 August 2006,

Recalling its resolution 2/2 of 27 November 2006,

1. *Affirms* that the fight against extreme poverty must remain a high priority for the international community;

2. *Notes with satisfaction* the report of the United Nations High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the rights of the poor (A/HRC/7/32);

3. *Welcomes* the substantial contributions of States, relevant United Nations agencies, intergovernmental organizations, United Nations treaty bodies, the independent expert on the question of human rights and extreme poverty, national human rights institutions, non-governmental organizations, especially those in which people in situations of extreme poverty express their views, and other relevant stakeholders;

4. *Invites* the Office of the United Nations High Commissioner for Human Rights:

(*a*) To further consult the above-mentioned relevant stakeholders and allow them to comment also on the report of the High Commissioner, including through the organization of a three-day seminar on the draft guiding principles, before March 2009;

(*b*) To submit a report to the Council, no later than its last session of 2009, to allow it to take a decision on the ways forward with a view to a possible adoption of guiding principles on the rights of persons living in extreme poverty.

41st meeting
28 March 2008

[Adopted without a vote.]

7/28. Missing persons

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, as well as international standards of human rights, in particular the Universal Declaration of

Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,

Recalling all previous resolutions on missing persons adopted by the General Assembly, as well as the resolutions adopted by the Commission on Human Rights,

Considering that the problem of missing persons raises questions of both international human rights law and, as applicable, international humanitarian law,

Noting with deep concern that armed conflicts are continuing in various parts of the world, often resulting in serious violations of international humanitarian law and human rights law,

Convinced that States hold the primary responsibility for countering the phenomenon of missing persons and determining the fate of missing persons and that they must recognize their accountability for implementing the relevant mechanisms, policies and laws,

Bearing in mind the effective search for and identification of missing persons through traditional forensic methods, and recognizing that great technological progress has been achieved in the field of DNA forensic sciences, which could significantly assist efforts to identify missing persons,

Noting that the issue of persons reported missing in connection with international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts to put an end to those conflicts and causes suffering to the families of missing persons, and stressing in this regard the need to address the issue from a humanitarian perspective, among others,

Welcoming the conclusions of the International Conference of Governmental and Non-Governmental Experts convened by the International Committee of the Red Cross in Geneva from 19 to 21 February 2003 on "The missing: action to resolve the problem of people unaccounted for as a result of armed conflict or internal violence and to assist their families" and its recommendations to address the problems of missing persons and their families,

Recalling the Agenda for Humanitarian Action, in particular its general objective 1, to "respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and of their families", adopted at the Twenty-eighth International Conference of the Red Cross and Red Crescent, held in Geneva from 2 to 6 December 2003, and resolution 3 on the reaffirmation and implementation of international humanitarian law entitled "Preserving human life and dignity in armed conflict", adopted at the Thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007,

Taking note of the resolution on missing persons adopted on 18 October 2006 by the Inter-Parliamentary Union at its 115th Assembly,

Welcoming the ongoing regional efforts to address the question of missing persons,

1. *Urges* States to strictly observe and respect and to ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and, where applicable, in the Additional Protocols thereto of 1977;

2. *Calls upon* States that are parties to an armed conflict to take all appropriate measures to prevent persons from going missing in connection with armed conflict and account for persons reported missing as a result of such a situation;

3. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;

4. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and, at the latest, from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

5. *Calls upon* States that are parties to an armed conflict to take all necessary measures, in a timely manner, to determine the identity and fate of persons reported missing in connection with the armed conflict and, to the greatest possible extent, to provide their family members, through appropriate channels, with all relevant information they have on their fate;

6. *Recognizes*, in this regard, the need for the collection, protection and management of credible and reliable data on missing persons according to international and national legal norms and standards, and urges States to cooperate with each other and with other concerned actors working in this area, inter alia, by providing all relevant and appropriate information related to missing persons;

7. *Requests* States to pay the utmost attention to cases of children and women reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children and women;

8. *Invites* States that are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all practical and coordination mechanisms as may be necessary, based on humanitarian considerations only;

9. *Urges* States and encourages intergovernmental and non-governmental organizations to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflicts and to provide appropriate assistance as requested by the concerned States, and welcomes, in this regard, the establishment and efforts of commissions and working groups on missing persons;

10. *Calls upon* States, without prejudice to their efforts to determine the fate of persons missing in connection with armed conflicts, to take appropriate steps with regard to the legal situation of the missing persons and that of their family members, in fields such as social welfare, financial matters, family law and property rights;

11. *Decides* to hold a panel discussion on the question of missing persons at its ninth session and to invite experts of the International Committee of the Red Cross, delegates of Governments and non-governmental organizations as well as national human rights institutions

and international organizations to participate therein and requests the High Commissioner to prepare a summary of the panel's deliberations with a view to subsequently charging the Advisory Committee, at the same session, with the preparation of a study on best practices in the matter;

12. *Invites* relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflicts in their forthcoming reports to the Council;

13. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

14. *Also requests* the Secretary-General to submit a comprehensive report on the implementation of the present resolution to the Council before its tenth session;

15. *Decides* to consider the question at its tenth session.

41st meeting
28 March 2008

[Adopted without a vote.]

7/29. Rights of the child

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

Reaffirming all previous resolutions on the rights of the child of the Commission on Human Rights and of the General Assembly, the most recent of which are Commission resolution 2005/44 of 18 April 2005 and Assembly resolution 62/141 of 18 December 2007,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child (A/62/182), on the follow-up to the special session of the General Assembly on children (A/62/259) of 15 August 2007 and on the girl child (A/62/297) of 24 August 2007, as well as the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held on 11 and 12 December 2007 (General Assembly resolution 62/88),

Welcoming also the report to the General Assembly of the independent expert for the United Nations study on violence against children (A/61/299), his report on the first year of follow-up to the study (A/62/209) and the establishment by the General Assembly of the mandate of the Special Representative of the Secretary-General on violence against children, as a high-profile and independent global advocate to promote the prevention and elimination of all forms of violence against children in all regions, in accordance with its resolution 62/141, *Recognizing* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, calling upon States not to grant amnesties for such crimes and acknowledging the contribution of the international criminal tribunals and special courts in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes,

Welcoming the reports of the Special Representative for children and armed conflict (A/62/228) and the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8),

Welcoming also the work of the Committee on the Rights of the Child and taking note of the issuance of its general comments Nos. 6 and 7 (2005), Nos. 8 and 9 (2006) and No. 10 (2007),

Profoundly concerned that the situation of children in many parts of the world remains critical and convinced that urgent and effective national and international action is called for,

Mindful that regional instruments should contribute to the strengthening of the norms of the Convention on the Rights of the Child,

Reaffirming the importance of the family as the fundamental group of society and the natural environment for the growth and well-being of all its members, and particularly children, and that as such should be strengthened; that it is entitled to receive comprehensive protection and support; that the primary responsibility for the protection, upbringing and development of children rests with the family; that all institutions of society should respect children's rights and secure their well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love and understanding, bearing in mind that, in different cultural, social and political systems, various forms of family exist,

Underlining the need for mainstreaming a gender perspective and recognizing the child as a rights holder, in all policies and programmes relating to children,

Concerned that, in conflict situations, children continue to be the victims and deliberate targets of attacks or the use of force, including indiscriminate and excessive use of force with consequences, which are often irreversible for their physical and emotional integrity,

Recognizing that environmental damage has potentially negative effects on children and their enjoyment of their life, health and a satisfactory standard of living,

Taking note with appreciation of the attention paid to children in the Convention on the Rights of Persons with Disabilities and in the International Convention for the Protection of All Persons from Enforced Disappearance,

I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER INSTRUMENTS

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Acknowledges* that the Convention on the Rights of the Child is the most universally ratified human rights treaty, and urges the States that have not yet done so to become parties to the Convention and the Optional Protocols thereto as a matter of priority and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and its Optional Protocols and to consider reviewing regularly other reservations with a view to withdrawing them;

3. *Calls upon* States parties to implement the Convention and its Optional Protocols fully and in accordance with the best interests of the child by, inter alia, putting in place effective national legislation, policies and action plans, and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

4. *Also calls upon* States parties to designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent ombudspersons for children, and to ensure adequate and systematic training in the rights of the child for professional groups working with and for children;

5. *Encourages* States to strengthen their national statistical capacities, particularly in the area of juvenile justice and on children in detention, and, as far as possible, to use statistics disaggregated by, inter alia, age, sex and other relevant factors that may lead to disparities, and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

II. MAINSTREAMING OF THE RIGHTS OF THE CHILD

6. *Affirms* its commitment to effectively integrate the rights of the child in its work and that of its mechanisms in a regular, systematic and transparent manner, taking into account specific needs of boys and girls;

7. *Decides* to incorporate into its programme of work sufficient time, at a minimum an annual full-day meeting, to discuss different specific themes on the rights of the child, including the identification of challenges in the realization of the rights of the child, as well as measures and best practices that can be adopted by States and other stakeholders, and to assess the effective integration of the rights of the child in its work, beginning in 2009;

8. *Urges* all stakeholders to take into full account the rights of the child in the universal periodic review, including in the preparation of information submitted for the review and during its dialogue, outcome and follow-up;

9. *Encourages* States to prepare the information described in paragraph 15 (a) of Council resolution 5/1 through broad consultation at the national level with all relevant stakeholders, including non-governmental organizations active in addressing the rights of the child;

10. *Requests* special procedures and other human rights mechanisms of the Council to integrate the rights of the child into the implementation of their mandates and to include in their reports information on and qualitative analysis of child rights;

11. *Encourages* all human rights treaty bodies to integrate the rights of the child into their work, in particular, in their concluding observations, general comments and recommendations;

III. PROTECTING AND PROMOTING THE RIGHTS OF THE CHILD AND NON-DISCRIMINATION AGAINST CHILDREN, INCLUDING CHILDREN IN DIFFICULT SITUATIONS

Non-discrimination

12. *Calls upon* all States to ensure that children are entitled to their civil, cultural, economic, political and social rights without discrimination of any kind;

13. *Notes with concern* the large number of children, particularly girls, belonging to national, ethnic, religious and linguistic minorities, migrant children, refugee children, internally displaced children and children of indigenous origin among the victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, and the child's gender-specific needs, in education programmes and programmes to combat these practices, and calls upon States to provide special support and ensure equal access to services for those children;

Freedom from violence

14. *Deeply concerned* by the horrific scale and impact of all forms of violence against children, in all regions, in their homes and families, in schools, care and justice systems, workplaces and in communities, and urges States:

(*a*) To take effective and appropriate legislative and other measures or, where they exist, strengthen legislation to prohibit and eliminate all forms of violence against children, in all settings;

(*b*) To take all appropriate measures to prevent, and to protect children from, torture and other cruel, inhuman or degrading treatment and from all forms of violence as a matter of urgency, including physical, mental and sexual violence, child abuse and exploitation, domestic violence and neglect, and abuse by the police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, giving priority to the gender dimension and to address its underlying causes through a systematic and comprehensive approach;

(*c*) To take appropriate measures to assert the right of children to respect for their human dignity and physical integrity and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment;

(*d*) To take measures to eliminate the use of corporal punishment in schools and to take urgent measures to protect students from violence of any kind, injury or abuse, including sexual abuse, intimidation or maltreatment in schools, to establish complaint mechanisms that are age-appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(*e*) To take measures to change attitudes that condone or normalize any form of violence against children, including cruel, inhuman or degrading forms of discipline, harmful traditional practices and all forms of sexual violence;

(*f*) To end impunity for perpetrators of crimes against children, and to investigate and prosecute such acts of violence and impose appropriate penalties, recognizing that persons convicted of violent offences against children, including sexual abuse of children, should be able to work with children only after adequate national safeguards have been used to determine that they do not pose a risk of harm to children;

15. *Requests* the Secretary-General to take urgent action on General Assembly resolution 62/141 and to appoint, in accordance with Assembly resolution 62/141, at the highest possible level and without delay, a Special Representative on violence against children and to report on progress made to the Council at its eighth session;

Identity, family relations and birth registration

16. *Urges* all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, irrespective of his/her status, to ensure that registration procedures are simple, expeditious and effective and provided free of charge, and to raise awareness of the importance of birth registration at the national, regional and local levels;

17. *Calls upon* States to take necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interest of the child, by establishing policy, legislation and effective supervision for the protection of children involved in national and intercountry adoptions, bearing in mind the best interest of the child;

18. *Also calls upon* States to address cases of international abduction of children, bearing in mind that the best interest of the child shall be a primary consideration, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country where he or she resided immediately before removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives;

19. *Further calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

20. *Reaffirms* the findings of the General Assembly in paragraph 16 of its resolution 62/141 and the importance of promoting appropriate parental care and family preservation where possible, and encourages States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests of the child, in full consultation with the child and his/her legal guardians, and in this context, encourages the advancement of the draft United Nations guidelines for the appropriate use and conditions of alternative care for children; further attention should be given to these guidelines by the Council at its eighth session;

Eradication of poverty

21. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, to intensify efforts so that all development and poverty reduction goals, as set out in the United Nations Millennium Declaration, are realized within their time framework, and reaffirms that investments in children and the realization of their rights contribute to their social and economic development, and are among the most effective ways to eradicate poverty;

Right to the enjoyment of the highest attainable standard of health

22. *Calls upon* all States:

(*a*) To take all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of physical and mental health and to develop sustainable health systems and social services, to ensure access to such systems and services without discrimination, paying particular attention to adequate food and nutrition to prevent disease and malnutrition, to access to safe drinking water and sanitation, to prenatal and post-natal health care, to the special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence;

(*b*) To address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV by providing support and rehabilitation to those children, their families and caregivers, by promoting child-oriented HIV/AIDS policies and programmes, increased protection for children orphaned and affected by HIV, and by involving children, their caregivers and the private sector, to ensure access to affordable and effective prevention, care and treatment, including through correct information, access to voluntary and confidential testing, reproductive health care and education, access to pharmaceutical products and medical technologies, by intensifying efforts to develop new treatments for children and prioritizing prevention of mother-to-child transmission of the virus, and by building, where needed, and supporting social security systems to protect them;

Right to education

23. *Calls upon* all States:

(*a*) To recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education available, free and compulsory for all children, by ensuring that all children, particularly girls, children in need of special protection, children with disabilities, indigenous children, children belonging to minorities and children of different ethnic origins, internally displaced and refugee children and children living in conflict-affected areas and countries and children affected and living with HIV/AIDS have access to good quality education, as well as making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

(*b*) To design and implement programmes to provide social services to and support for pregnant adolescents and adolescent mothers, in particular to enable them to continue and complete their education;

(*c*) To ensure that children, from an early age, benefit from education programmes, materials and activities that develop respect for human rights and fully reflect the values of peace, non-violence against oneself and others, tolerance and gender equality;

(*d*) To enable children, including adolescents, to exercise their right to express their views freely, the views of the child being given due weight in accordance with age and maturity of the child;

The girl child

24. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(*a*) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms, to end impunity and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(*b*) To eliminate all forms of discrimination and violence against girls, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, son preference, marriages without free and full consent of the intending spouses, early marriages and forced marriages and forced sterilization, including addressing their root causes, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

(*c*) To involve girls, including girls with special needs, and their representative organizations, in decision-making processes, as appropriate, and include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

Children with disabilities

25. *Recognizes* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalls the obligations to that end undertaken by the States parties to the Convention on the Rights of the Child;

26. *Calls upon* all States to:

(*a*) Take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities, in both the public and private spheres, including by incorporating a child-rights perspective that includes children with disabilities into policies and programmes for children, taking into account the particular situation of children with disabilities who may be subject to multiple or aggravated forms of discrimination, including girls with disabilities and children with disabilities living in poverty;

(*b*) To ensure the dignity of children with disabilities, to promote their self-reliance and to facilitate their full and active participation and inclusion in the community, including by ensuring access to good-quality inclusive education and health, and to enact and enforce legislation protecting children with disabilities against all forms of discrimination, exploitation, violence and abuse;

(*c*) To consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol as a matter of priority;

Migrant children

27. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights and access to health care, social services and education of good quality, and that migrant children, and especially those who are unaccompanied and those who are victims of violence and exploitation, receive special protection and assistance, in accordance with their obligations, as reflected in articles 9 and 10 of the Convention on the Rights of the Child;

Children working and/or living on the street

28. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary execution, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

29. *Calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict and post-conflict situations, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and,

wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Children alleged to have or recognized as having infringed penal law

30. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

(*a*) To abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence;

(*b*) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;

(*c*) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989 adopted by the Economic and Social Council;

31. *Also calls upon* all States to give greater consideration to restorative justice practices, including mediation, as an alternative to sentencing, or as part of the sentencing process with regard to offenders under the age of 18;

32. *Further calls upon* all States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and that they shall have the right to maintain contact with their family through correspondence and visits, save in exceptional circumstances, and that no child in detention is sentenced or subject to forced labour or corporal punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

Children of persons alleged to have or recognized as having infringed penal law

33. *Calls upon* all States to give attention to the impact of parental detention and imprisonment on children and, in particular:

(*a*) To give priority to non-custodial measures, when sentencing or deciding on pretrial measures for a child's sole or primary carer, subject to the need to protect the public and the child, and bearing in mind the gravity of the offence;

(*b*) To identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment;

Child labour

34. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere

with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

35. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) of the International Labour Organization to consider doing so;

IV. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

36. *Calls upon* all States:

(*a*) To take all necessary measures to eliminate, criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child trafficking, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(*b*) To take effective measures to ensure prosecution of offenders, including through international assistance in connection with investigations or criminal or extradition proceedings;

(*c*) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(*d*) To consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(*e*) To address effectively the needs of victims of trafficking, of sale of children, of child prostitution and child pornography, including their safety and protection, physical and psychological recovery and full reintegration into their family and society and bearing in mind the best interest of the child;

(*f*) To combat the existence of a market that encourages such criminal practices against children and factors leading to these practices, including through the adoption and effective application of preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as ensuring public awareness of the problem;

(*g*) To take the necessary measures to eliminate the sale of children, child prostitution and child pornography by adopting a holistic approach and addressing all contributing factors;

37. *Welcomes* the comprehensive guidelines and recommendations contained in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography to the Council in 2008 (A/HRC/7/8) for the establishment and management of rehabilitation and assistance programmes for children who are victims of sexual commercial exploitation and trafficking and strongly encourages States to take them into account in order to provide the child victims with assistance, protection and a successful rehabilitation in their families and society, taking into consideration the importance of separate programmes that attend to their special needs;

V. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

38. *Strongly condemns* any recruitment and use of children in armed conflicts contrary to international law, and urges all parties to armed conflict to end such practice, and all other violations and abuses committed against children, including killing or maiming, rape or other sexual violence, abduction, denial of humanitarian access, attacks against schools and hospitals and the forced displacement of children and their families;

39. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and takes note of Security Council resolutions on children and armed conflict, in particular resolution 1612 (2005) of 26 July 2005, and of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in those operations;

40. *Notes with appreciation* the steps taken regarding Security Council resolution 1612 (2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism, including in collecting and providing timely, objective, accurate and reliable information on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

41. *Takes note* of the updating of the Cape Town Principles on child soldiers that led to the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, encourages Member States to consider using the Guidelines to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society, to assist Member States in this field;

42. *Takes note* of part two of the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/62/228), on the strategic review of the 1996 study by Graça Machel entitled "Impact of armed conflict on children", and of the significant developments and achievements in the protection of children in armed conflict at the national and international levels, and calls upon Member States and observers, and invites relevant entities of the United Nations system as well as civil society, as appropriate, to study carefully its recommendations, recognizing the need for discussion on the issues raised therein, and stresses the need for the views of Member States to be fully taken into account in this regard;

43. *Recalls*, in accordance with international humanitarian law, that indiscriminate attacks against civilians, including children, are prohibited, and that they shall not be the object of attack, including by the way of reprisals or excessive use of force, condemns these practices and demands that all parties immediately put an end to them;

44. *Calls upon* all States to pay special attention to the protection, welfare and rights of girls affected by armed conflict;

45. *Calls upon* States:

(*a*) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(*b*) To take effective measures to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practice, and the adoption of measures to prevent re-recruitment, in particular education;

(*c*) To take all feasible measures, in particular educational measures, to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and the specific needs of the girl child;

(*d*) To take effective preventive measures against sexual exploitation and abuse by their military and civilian peacekeepers and hold them to account;

46. *Calls upon*:

(*a*) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto of 8 June 1977;

(*b*) Armed groups that are distinct from the armed forces of a State not, under any circumstances, to recruit or use in hostilities persons under the age of 18 years;

(*c*) All States and relevant United Nations bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations, to ensure adequate child protection training of their staff and personnel, including through the drafting and dissemination of codes of conduct addressing the issue of sexual exploitation and abuse of children, to ensure that States take effective preventive measures against sexual exploitation and abuse by their military and civilian peacekeepers and hold them to account, and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard and given due weight in accordance with the age and maturity of the child;

(*d*) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, assistance to victims and social and economic reintegration, mine awareness programmes, mine clearance and child-centred rehabilitation;

VI. FOLLOW-UP

47. *Decides*:

(*a*) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, special rapporteurs and special representatives of the United Nations system in the implementation of their mandates and, where appropriate, to invite States to continue to make voluntary contributions;

(*b*) To request the Secretary-General to submit to the Council at its tenth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child;

(*c*) To request the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a report to the Council according to its programme of work;

(*d*) To remain seized of the issue and to continue the consideration of the rights of the child in accordance with its programme of work and to consider an omnibus resolution on the rights of the child every four years, and to focus on a theme of the rights of the child on an annual basis in the intervening period.

41st meeting
28 March 2008

[Adopted without a vote.]

7/30. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of Syrian citizens in the occupied Syrian Golan due to the systematic and continued violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 62/110 of 17 December 2007, in which the Assembly declared that Israel had failed so far to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan, *Reaffirming once more* the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/62/360) of 24 September 2007, in which the Committee referred to the grave deterioration in the human rights situation in the Occupied Palestinian Territory and the occupied Syrian Golan and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming [illegible] the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, in particular resolution 2/3 of 27 November 2006,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, particularly Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of

which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for over 22 years and calls on Israel to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, Israel to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians in order to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

8. *Again calls upon* States members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on the matter to the Council at its tenth session;

10. *Decides* to continue the consideration of human rights violations in the occupied Syrian Golan at its tenth session.

41st meeting
28 March 2008

[Adopted by a recorded vote of 32 to 1, with 14 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

Against: Canada.

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Guatemala, Italy, Japan, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

7/31. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and recalling General Assembly resolution 60/251 of 15 March 2006 and Commission on Human Rights resolution 2005/10 of 14 April 2005, Council resolutions S-5/1 of 2 October 2007 and 6/33 of 14 December 2007,

Acknowledging the announcement of the Government of Myanmar that it would hold a national referendum and elections, while emphasizing that those processes must be made fully transparent, inclusive, free and fair,

Emphasizing its support for the Special Envoy of the Secretary-General for Myanmar, while recalling his concern that his most recent visit had not achieved any immediate tangible outcome, including on the need for international monitoring of the announced constitutional referendum in May 2008,

Deeply concerned at the continuing deterioration of the living conditions and the increase in poverty affecting a significant part of the population throughout the country, with serious consequences for the enjoyment of their economic, social and cultural rights,

Expressing its deep concern at the situation of human rights in Myanmar, including the violent repression of the peaceful demonstrations of September 2007, and the failure of the Government of Myanmar to investigate and bring to justice the perpetrators of these violations, as well as at the continuing high number of political prisoners, including those detained in the wake of those demonstrations and the extension of the house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi,

1. *Strongly deplores* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Strongly urges* the Government of Myanmar to receive, as soon as possible, at his convenience, a follow-up mission by the Special Rapporteur on the situation of human rights in Myanmar, as requested by the Council in its resolution 6/33, to cooperate fully with him and to follow up and implement the recommendations contained in the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/6/14);

3. *Strongly calls upon* the Myanmar authorities:

(*a*) To make the constitutional process, including the referendum, fully inclusive, participatory and transparent in order to ensure that the process is broadly representative of the views of all people of Myanmar and meets all international norms;

(*b*) To engage urgently in a reinvigorated national dialogue with all parties with a view to achieving genuine national reconciliation, democratization and the establishment of the rule of law;

(*c*) To ensure to its people basic freedoms and to desist from further denial of basic freedoms, such as the freedom of expression, assembly and religion or belief;

(*d*) To cooperate fully with humanitarian organizations, including by ensuring full, safe and unhindered access of humanitarian assistance to all persons in need throughout the country;

(*e*) To take urgent measures to put an end to violations of human rights and humanitarian law, including forced displacement and arbitrary detention, and to release all political prisoners immediately, without condition;

4. *Invites* the Special Rapporteur to continue to discharge his mandate in a coordinated manner with the Special Envoy of the Secretary-General for Myanmar;

5. *Requests* the Special Rapporteur to report on the implementation of Council resolutions S-5/1 and 6/33 to the Council at its next session;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with adequate support, including expert human resources, to facilitate the fulfilment of the mandate entrusted to him by the present resolution;

7. *Decides* to remain seized of this matter.

42nd meeting
28 March 2008

[Adopted without a vote.]

7/32. Mandate of the Special Rapporteur on the situation of human rights in Myanmar

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Reaffirming also Commission on Human Rights resolution 1992/58 of 3 March 1992 and all subsequent resolutions adopted by the General Assembly, the Commission and the Council on the situation of human rights in Myanmar,

Recalling General Assembly resolution 60/251 of 15 March 2006, *Recalling also* Council resolutions 5/1 entitled "Institution-building of the United Nations Human Rights Council" and 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

Bearing in mind the report submitted by the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/6/14), expressing serious concern about ongoing human rights violations and urging the implementation of the recommendations contained therein,

Having reviewed the mandate of the Special Rapporteur on the situation of human rights in Myanmar,

1. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 and 2005/10 of 14 April 2005;

2. *Urges* the Government of Myanmar to cooperate fully with the Special Rapporteur and to respond favourably to his requests to visit the country and to provide him with all information and access to relevant bodies and institutions necessary to enable him to fulfil his mandate effectively;

3. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-third session and to the Council in accordance with its annual programme of work;

4. *Calls upon* the Office of the United Nations High Commissioner of Human Rights to provide the Special Rapporteur with all necessary assistance and resources to enable him to discharge his mandate fully;

5. *Decides* to continue its consideration of this question in accordance with its annual programme of work.

42nd meeting
28 March 2008

[Adopted without a vote.]

7/33. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Reaffirming all the previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Council on the elimination of racism, racial discrimination, xenophobia and related intolerance,

1. *Salutes* all positive developments in the fight against racism, racial discrimination, xenophobia and related intolerance;

2. *Welcomes* the landmark and historic formal apology by the Government of Australia for the past laws and policies that inflicted profound grief, suffering and loss on its indigenous peoples;

3. *Urges* Governments that have not done so to issue formal apologies to the victims of past and historic injustices and to take all necessary measures to achieve the healing and reconciliation of and the restoration of dignity to those victims, as outlined in paragraph 101 of the Durban Declaration and Programme of Action;

4. *Urges* all Governments to summon the necessary political will to take decisive steps to combat racism in all its forms and manifestations;

5. *Acknowledges* the report of the Working Group of Experts on People of African Descent on its eighth session (A/HRC/7/36);

6. *Welcomes* the convening of the first part of the sixth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in January 2008, during which the Working Group made an initial contribution to the preparatory process of the Durban Review Conference, and looks forward to the convening of the second part of the sixth session, during which the Working Group should continue its follow-up to the implementation of the Durban Declaration and Programme of Action, including the relevant paragraphs of the Durban Declaration and Programme of Action, which are yet to receive the necessary attention, in accordance with the Working Group's programme of work;

7. *Also welcomes* the convening of the first part of the first session of the Ad Hoc Committee on the Elaboration of Complementary Standards in February 2008, and requests the Ad Hoc Committee, at the second part of its first session, to fulfil, as a matter of priority, the objective outlined in paragraph 199 of the Durban Declaration and Programme of Action;

8. *Acknowledges* the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Council at its seventh session (A/HRC/7/19);

9. *Decides* to invite the Group of Five Independent Eminent Experts to address the Council at its tenth session.

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[Adopted by a recorded vote of 34 votes to none, with 13 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Guatemala, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia.

Abstaining: Bosnia and Herzegovina, Canada, France, Germany, Japan, Italy, Netherlands, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

7/34. Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, proclaimed by the General Assembly in its resolution 2106 (XX) of 20 December 1965,

Underlining the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, and emphasizing that this outcome constitutes a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming all the previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Council on the elimination of racism, racial discrimination, xenophobia and related intolerance,

Expressing concern at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, inter alia, of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Stressing the need for maintaining continued political will and momentum at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account the commitments enshrined in the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Emphasizing the urgency, more than ever, to combat and end impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and to enable all relevant human rights mechanisms to pay attention to this issue so as to prevent the recurrence of such acts,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Welcomes* the work and contribution of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including activities undertaken to date in raising awareness and highlighting the plight of the victims of racism, racial discrimination, xenophobia and related intolerance and its contemporary manifestations;

2. *Decides* to extend the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for a period of three years, to

gather, request, receive and exchange information and communications with all relevant sources, on all issues and alleged violations falling within the purview of his/her mandate, and to investigate and make concrete recommendations, to be implemented at the national, regional and international levels, with a view to preventing and eliminating all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, focusing, inter alia, on the following issues:

(*a*) Incidents of contemporary forms of racism and racial discrimination against Africans and people of African descent, Arabs, Asians and people of Asian descent, migrants, refugees, asylum-seekers, persons belonging to minorities and indigenous peoples, as well as other victims included in the Durban Declaration and Programme of Action;

(*b*) Situations where the persistent denial of individuals belonging to different racial and ethnic groups of their recognized human rights, as a result of racial discrimination, constitutes gross and systematic violations of human rights;

(*c*) The scourges of anti-Semitism, Christianophobia, Islamophobia in various parts of the world, and racist and violent movements based on racism and discriminatory ideas directed at Arab, African, Christian, Jewish, Muslim and other communities;

(*d*) Laws and policies glorifying all historic injustices and fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance and underpinning the persistent and chronic inequalities faced by racial groups in various societies;

(*e*) The phenomenon of xenophobia;

(*f*) Best practices in the elimination of all forms and manifestations of racism, racial dissemination, xenophobia and related intolerance;

(*g*) Follow-up to the implementation of all relevant paragraphs of the Durban Declaration and Programme of Action and the promotion of the establishment of national, regional and international mechanisms to combat racism, racial discrimination, xenophobia and related intolerance;

(*h*) The role of human rights education in promoting tolerance and the elimination of racism, racial discrimination, xenophobia and related intolerance;

(*i*) Respect for cultural diversity as a means to prevent racism, racial discrimination, xenophobia and related intolerance;

(*j*) Incitement to all forms of hatred, taking into account article 20, paragraph 2, of the International Covenant on Civil and Political Rights, and instances of racially motivated hate speech, including the dissemination of ideas of racial superiority or that incite racial hatred, taking into account article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 19 of the International Covenant on Civil and Political Rights and general comment No. 15 of the Committee on the Elimination of All Forms of Racial Discrimination, which states that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression;

(*k*) The sharp increase in the number of political parties and movements, organizations and groups which adopt xenophobic platforms and incite hatred, taking into account the incompatibility of democracy with racism;

(*l*) The impact of some counter-terrorism measures on the rise of racism, racial discrimination, xenophobia and related intolerance, including the practice of racial profiling and profiling on the basis of any grounds of discrimination prohibited by international human rights law;

(*m*) Institutional racism and racial discrimination;

(*n*) The efficiency of the measures taken by Governments to remedy the situation of victims of racism, racial discrimination, xenophobia and related intolerance;

(*o*) Impunity for acts of racism, racial discrimination, xenophobia and related intolerance, and maximizing remedies for the victims of these violations;

3. *Requests* the Special Rapporteur, in the discharge of his/her mandate:

(*a*) To develop a regular dialogue and discuss areas of possible cooperation with Governments and all relevant actors concerning issues pertaining to his/her mandate, and to provide technical assistance or advisory services at the request of the concerned States;

(*b*) To play a role of advocacy and to engage in the mobilization of political will with all relevant actors in States for the elimination of racism, racial discrimination, xenophobia and related intolerance;

(*c*) To coordinate, as appropriate, with other relevant bodies and mechanisms of the United Nations;

(*d*) To integrate a gender perspective throughout the work of his/her mandate, highlighting women's rights and reporting on women and racism;

(*e*) To report regularly to the Council and the General Assembly;

4. *Requests also* the Special Rapporteur to continue his/her exchange of views and consultation, while avoiding unnecessary duplication, with the relevant mechanisms and treaty bodies within the United Nations system, in particular on the issues referred to in subparagraphs (*c*), (*g*) and (*j*) of paragraph 2 above, in order to further enhance their effectiveness and mutual cooperation;

5. *Requests* all Governments to cooperate fully with the Special Rapporteur in the discharge of his/her mandate, including by responding promptly to the Special Rapporteur's communications, including urgent appeals, and by providing the information requested;

6. *Urges* all Governments to seriously consider responding promptly and favourably to the requests of the Special Rapporteur to visit their countries, including follow-up visits;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the effective fulfilment of his/her mandate.

42nd meeting
28 March 2008

[Adopted without a vote.]

7/35. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and the relevant human rights instruments,

Recalling all the previous resolutions of the Commission on Human Rights, the last of which was resolution 2005/83 of 21 April 2005,

Welcoming the commitment and efforts undertaken by the African Union to support Somali-led efforts towards reconciliation and stability and the efforts made by international and regional stakeholders to help Somalia re-establish stability, peace and security in its national territory,

Welcoming also the Declaration on the situation in Somalia, adopted by the Heads of State and Government of the African Union during the tenth ordinary session of the Assembly of the African Union, held in Addis Ababa from 31 January to 2 February 2008,

Emphasizing that the above-mentioned declaration, adopted by the Assembly of the African Union, stressed the need for the deployment of a United Nations peacekeeping operation in Somalia that would take over from the African Union Mission to Somalia and support the long-term stabilization and post-conflict reconstruction of the country,

Reiterating that humanitarian, human rights and development assistance is of paramount importance to alleviate poverty and to promote a more peaceful, equitable and democratic society in Somalia,

Welcoming the steps taken within Somalia, including the convening of the National Reconciliation Congress, in July and August 2007, the recent appointment of a new Prime Minister, Nur Hassan Hussein, and the subsequent formation of a new Government, as well as the efforts made by the African Union, notably through the deployment of the African Union Mission in Somalia,

Reiterating that, despite the daunting challenges confronting the peace and reconciliation process, the opportunity that arose in December 2006, when the Transitional Federal Government regained control of Mogadishu and other parts of the country in order to find a lasting solution to the crisis in Somalia, still exists, *Stressing* the need for both the Somali stakeholders and the international community as a whole to seize this opportunity to address decisively the conflict in Somalia and to take all steps required to this end,

Seriously concerned about the human rights and humanitarian situation in Somalia,

Noting with concern that the security situation remains fragile throughout the country,

Emphasizing that efforts to combat terrorism in Somalia must respect international law, including human rights and fundamental freedoms, which are inseparable from the establishment of peace in Somalia,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Expresses its serious concern* at the human rights and humanitarian situation in Somalia, and calls for an immediate end to all ongoing violations;

2. *Demands* that all parties in Somalia reject and stop all acts of violence, abstain from engaging in hostilities, prevent any act likely to increase tension and security and fully respect their obligations under international human rights law and international humanitarian law;

3. *Urges* all parties in Somalia to uphold the principles and spirit enshrined in the Transitional Federal Charter and to work towards genuine national reconciliation within that framework, including by holding fair, national multiparty elections in 2009, as envisaged by the Charter;

4. *Calls upon* the international community to stand by the legitimate Somali institutions and to provide adequate and concrete support in order to enhance their capacity, including that of the Transitional Federal Government, as part of an integrated approach that encompasses political, security and programmatic dimensions;

5. *Appeals* to the partners of the African Union to provide increased logistical and financial support for the African Union Mission in Somalia, especially in view of the fact that the African Union, in deploying an operation in Somalia, is also acting on behalf of the international community at large;

6. *Urges* the international community to provide, as a matter of urgency, development assistance to Somalia, so as to effectively contribute to the reconstruction of Somalia, the rebuilding of its institutions and technical assistance in the field of human rights;

7. *Also urges* the international community to provide humanitarian assistance to the needy population and to ensure that all necessary steps are taken to create conditions conducive to the provision of humanitarian assistance, including unhindered access to the needy population and security for humanitarian workers and organizations;

8. *Acknowledges* the work undertaken by the independent expert on the situation of human rights in Somalia, including his report to the current session (A/HRC/7/26);

9. *Decides* to renew the mandate of the independent expert for a period of one year, with a view to maximizing the provision and the flow of technical assistance to Somalia in the field of human rights, and requests him/her to submit a report to the Council at its sessions in September 2008 and March 2009;

10. *Requests* the Secretary-General to provide the independent expert with all necessary human, technical and financial assistance in carrying out his/her mandate;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights to strengthen its presence in Somalia with a view to providing technical assistance and advisory services to the relevant Somali institutions;

12. *Invites* relevant United Nations bodies and agencies to provide support and technical assistance to Somalia in the field of human rights.

42nd meeting
28 March 2008

[Adopted without a vote.]

7/36. Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

The Human Rights Council,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice and noting that these rights and freedoms are among those which give meaning to the right to participate effectively in a free society,

Mindful also that article 19 of the International Covenant on Civil and Political Rights provides that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall be only such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (*ordre public*), or of public health and morals, and that article 20 provides that any propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law, *Reaffirming* resolution 2005/38 on freedom of opinion and expression adopted by the Commission on Human Rights on 19 April 2005, and recalling all its previous resolutions on this issue,

Recognizing that the exercise of the right to freedom of opinion and expression is one of the essential foundations of a democratic society; is enabled by a democratic environment which, inter alia, offers guarantees for its protection; is essential to full and effective participation in a free and democratic society; and is instrumental to the development and strengthening of effective democratic systems,

Recognizing also that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

Deeply concerned that violations of the right to freedom of opinion and expression continue to occur,

Stressing the need to ensure that invocation of national security, including counter-terrorism, is not used unjustifiably or arbitrarily to restrict the right to freedom of opinion and expression,

Stressing also the importance of full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information, to democratic participation, to accountability and to combating corruption,

Recognizing the importance of all forms of media, including the print media, radio, television and the Internet, in the exercise, promotion and protection of the right to freedom of opinion and expression, and also the importance for all forms of media to report and to deliver information in a fair and impartial manner,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 entitled "Institution-building of the United Nations Human Rights Council" and 5/2 entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council" and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and the annexes thereto,

1. *Reaffirms* the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs;

2. *Takes note with appreciation* of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2006/55, A/HRC/4/27 and A/HRC/7/14), invites all relevant actors to consider the recommendations contained therein, and welcomes his important contribution to the promotion and protection of the right to freedom of opinion and expression, in particular his ongoing and increasing cooperation with other mechanisms and organizations;

3. *Decides* to extend for a further three years the mandate of the Special Rapporteur whose tasks will be:

(*a*) To gather all relevant information, wherever it may occur, relating to violations of the right to freedom of opinion and expression, discrimination against, threats or use of violence, harassment, persecution or intimidation directed at persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, including, as a matter of high priority, against journalists or other professionals in the field of information;

(*b*) To seek, receive and respond to credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these cases;

(*c*) To make recommendations and provide suggestions on ways and means to better promote and protect the right to freedom of opinion and expression in all its manifestations;

(*d*) To contribute to the provision of technical assistance or advisory services by the Office of the United Nations High Commissioner for Human Rights to better promote and protect the right to freedom of opinion and expression;

4. *Requests* the Special Rapporteur, within the framework of his/her mandate:

(*a*) To draw the attention of the Council and the United Nations High Commissioner for Human Rights to those situations and cases regarding the right to freedom of opinion and expression which are of particularly serious concern;

(*b*) To integrate the human rights of women and a gender perspective throughout the work of his/her mandate;

(*c*) With a view to greater efficiency and effectiveness in promoting and protecting the right to freedom of opinion and expression, to continue his/her efforts to cooperate with other relevant United Nations bodies, including the High Commissioner for Human Rights, the human rights treaty bodies, special procedures and mechanisms, specialized agencies, funds and programmes, regional intergovernmental organizations and their mechanisms, and national human rights institutions, and to develop and extend his/her network of relevant non-governmental organizations, particularly at the local level;

(*d*) To report on instances in which the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination, taking into account articles 19 (3) and 20 of the International Covenant on Civil and Political Rights, and general comment No. 15 of the Committee on the Elimination of All Forms of Racial Discrimination, which stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression;

(*e*) To consider approaches taken to access to information with a view to sharing best practices;